

# EXHIBIT 17



**KENTUCKIANA**  
— COURT REPORTERS —

**CASE NO. 20-CV-04768**

**JAMES FLETCHER, JR.**

**V.**

**JAMES BOGUCKI, ET AL.**

**DEPONENT:**

**JEROME BOGUCKI**

**DATE:**

**October 12, 2023**



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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4 JUDGE ANDREA R. WOOD  
5 MAGISTRATE JUDGE MARIA VALDEZ  
6 CASE NO. 20-CV-04768  
7  
8

9 JAMES FLETCHER, JR.,  
10 Plaintiff  
11

12 V.  
13

14 JEROME BOGUCKI, ANTHONY NORADIN,  
15 RAYMOND SCHALK, ANTHONY WOJCIK, UNKNOWN CITY  
16 OF CHICAGO POLICE OFFICERS, AND THE CITY OF CHICAGO,  
17 Defendants  
18  
19  
20  
21  
22

23 DEPONENT: JEROME BOGUCKI

24 DATE: OCTOBER 12, 2023

25 REPORTER: LINDSAY LARSON-TODD

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## STIPULATION

The REAL VIDEO deposition of JEROME BOGUCKI was taken at KENTUCKIANA COURT REPORTERS, 110 NORTH WACKER DRIVE, CHICAGO, ILLINOIS, 60606, via videoconference in which all participants attended remotely, on THURSDAY the 12TH day of OCTOBER 2023 at 10:12 a.m. (CT); said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in the matter was administered remotely as permitted by Illinois Supreme Court Order No. 30370 which amended Civil Rule 206(h).

It is agreed that LINDSAY LARSON-TODD, being a Notary Public and Digital Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.



## PROCEEDINGS

THE REPORTER: All right. We are now on the record. My name is Lindsay Todd. I'm the online video technician and digital court reporter today, representing Kentuckiana Court Reporters located at 110 North Wacker Drive, Chicago, Illinois, 60606. Today is the 12th day of October 2023. The current time is 10:12 a.m. Central. We are convened by video conference to take the deposition of Jerome Bogucki in the matter of James Fletcher Jr., v. Jerome Bogucki, Anthony Noradin, Raymond Schalk, Anthony Wojcik, unknown City of Chicago police officers, and the City Of Chicago, pending in the United States District Court for the Northern District of Illinois Eastern Division, Case number 20-cv-04768. Will everyone but the witness please state your appearance, how you're attending, and the location you're attending from, starting with Plaintiff's counsel?

MR. STARR: My name is Sean Starr from the law firm of Loevy & Loevy. I represent the plaintiff, James Fletcher, in this matter, and I'm attending remotely from the city of Chicago.

MR. STEFANICH: Brian Stefanich. I represent

1 Mr. Bogucki in this matter, and we are attending  
2 remotely from Park Ridge.

3 MR. MICHALIK: Paul Michalik on behalf of  
4 Defendant City of Chicago. I am attending remotely  
5 from Chicago.

6 THE REPORTER: All righty. And off the record,  
7 all parties agreed to stipulate that the witness is,  
8 in fact, Mr. Jerome Bogucki. Do all parties still  
9 agree to the stipulation?

10 MR. STARR: Plaintiff still stipulates --

11 MR. MICHALIK: Yes.

12 MR. STEFANICH: Agreed.

13 THE REPORTER: All righty. And Mr. Bogucki,  
14 will you please raise your right hand for me? Do  
15 you solemnly swear or affirm that the testimony  
16 you're about to give will be the truth, the whole  
17 truth, and nothing but the truth?

18 THE WITNESS: Yes.

19 THE REPORTER: All righty. You may begin.

20 DIRECT EXAMINATION

21 BY MR. STARR:

22 Q. Good morning, sir. Nice to see you again. As  
23 I stated, my name is Sean Starr, and I represent the  
24 plaintiff in this matter. This is the continuation of  
25 your deposition from April of this year. Sir, you

1 understand you're still under oath, correct?

2 A. Yes.

3 Q. Since last time, did you have an opportunity  
4 to review the transcript from your previous deposition  
5 in this case?

6 A. I did look at it, yes.

7 Q. Okay. Did you review anything in addition to  
8 your transcript that you didn't -- that you didn't tell  
9 us about last time?

10 A. I don't know how to answer that question.

11 Q. Okay. What documents did you review in  
12 preparation for today, sir?

13 A. I looked at the police reports, and I looked  
14 at my last -- my last part of deposition.

15 Q. Okay. Did you look at any other documents  
16 besides that?

17 A. No.

18 Q. All right. Did you meet with your attorney in  
19 preparation for today, sir?

20 A. By telephone.

21 Q. How long did you speak with your attorney by  
22 telephone in preparation for today?

23 A. Ten minutes, 15 minutes.

24 Q. Okay. Excellent. I have a little bit of a  
25 cold, so if you can't hear me or if you need me to ask

1 the question again, please let me know. If you answer  
2 my question, I'll assume you understood what I was  
3 asking, okay?

4 A. Okay.

5 Q. All right. When we left off last time, I was  
6 asking you about the Thaddius Jimenez case. Do you  
7 recall that, sir?

8 A. Yes.

9 Q. Okay. And your counsel and I have discussed  
10 that off record, and I'm going to ask you a few  
11 questions about that today. Did you interrogate Larry  
12 Tueffel and force him to identify Thaddius Jimenez as  
13 the shooter in the Eric Morrow homicide?

14 MR. STEFANICH: Objection. Form. You can  
15 answer.

16 THE WITNESS: No.

17 BY MR. STARR:

18 Q. Did you pressure Mr. Tueffel to ID Thaddius  
19 Jimenez, even though Mr. Tueffel made it very clear that  
20 the shooter was not, in fact, Thaddius Jimenez?

21 MR. STEFANICH: Objection. Form. You can  
22 answer.

23 THE WITNESS: Absolutely not.

24 BY MR. STARR:

25 Q. When Mr. Tueffel refused to implicate

1 **Mr. Jimenez, did you threaten to arrest Mr. Tueffel?**

2 MR. STEFANICH: Objection. Form. Foundation.

3 You can answer.

4 THE WITNESS: I don't know that he did refuse.

5 He did not refuse to identify anyone.

6 BY MR. STARR:

7 **Q. Did you ever threaten to send Mr. Tueffel to**  
8 **jail?**

9 A. No.

10 **Q. Did you badger and tell Mr. Tueffel that he**  
11 **was a liar when you were interrogating him?**

12 MR. STEFANICH: Objection. Form. You can  
13 answer.

14 THE WITNESS: No.

15 BY MR. STARR:

16 **Q. Did you show a woman by the name of Tina Elder**  
17 **two photographs at the police station, one of the dead**  
18 **victim, Eric Morrow, and one of Thaddius Jimenez?**

19 MR. STEFANICH: Objection. Form. You can  
20 answer.

21 THE WITNESS: At what point?

22 BY MR. STARR:

23 **Q. At any point while she was in the station,**  
24 **sir?**

25 A. Not that I recall.

1 Q. Okay. Did you show Tina Elder two  
2 photographs, one of the dead victim, Eric Morrow, and  
3 one of Thaddius Jimenez, at any point at all?

4 MR. STEFANICH: Objection. Form. You can  
5 answer.

6 THE WITNESS: Not that I recall.  
7 BY MR. STARR:

8 Q. Okay. Did you tell Tina Elder that Mr.  
9 Jimenez was your primary suspect before she viewed a  
10 lineup?

11 A. No.

12 Q. Did you receive a tape-recorded confession of  
13 a man named Juan Carlos Torres confessing to the murder  
14 of Eric Morrow?

15 A. I assumed that's what it was. It was in -- I  
16 -- I received some type of recording that was in  
17 Spanish, which was given to the State's Attorney's  
18 Office.

19 Q. Prior to giving that to the State's Attorney's  
20 Office, did you conceal the tape-recorded confession of  
21 Juan Carlos Torres confessing to the murder?

22 A. Did I conceal it?

23 Q. Yes.

24 A. I don't know what you mean by that.

25 Q. Did you attempt to suppress it as evidence in

1 the Jimenez case?

2 A. No.

3 Q. Did you disclose the tape-recorded confession  
4 to Juan Carlos Torres confessing to the murder?

5 A. Yes.

6 Q. Did a boy named Victor Romo, who was with Juan  
7 Carlos when the shooting occurred, tell you that Juan  
8 Carlos Torres was the man that pulled the trigger?

9 A. I don't recall.

10 Q. Did a boy named Victor Romo tell you anything  
11 about the murder prior to the conviction of Thaddius  
12 Jimenez?

13 A. Repeat the question, please.

14 Q. Yeah. Did a boy named Victor Romo tell you  
15 anything about the murder of Eric Morrow prior to the  
16 conviction of Thaddius Jimenez?

17 A. Yes.

18 Q. And what did he tell you, sir?

19 A. I have to look at the reports again to be  
20 sure.

21 Q. Based on your recollection, what do you recall  
22 him telling you?

23 A. I recall him saying that he ran away from the  
24 scene of the murder and heard a shot.

25 Q. Did Mr. Romo ever tell you what he saw -- that

1 he saw the shooter?

2 A. He said he was with another subject --  
3 subject.

4 Q. And who was that?

5 A. I -- I'm not sure what he said. He -- he  
6 might have said Juan Carlos, but I have to look at  
7 reports again. It's been a long time.

8 Q. Did he ever -- okay. I didn't mean to  
9 interrupt you. Did he ever tell you that Juan Carlos  
10 was the shooter in the Eric Morrow murder?

11 A. I'm not sure at this point.

12 Q. Okay. And despite evidence from Victor Romo  
13 and Juan Carlos Torres about Torres's guilt, you managed  
14 to get multiple identifications of Thaddius Jimenez from  
15 various witnesses, didn't you?

16 MR. STEFANICH: Objection. Form. Foundation.  
17 You can answer.

18 THE WITNESS: There were witnesses that did  
19 identify Thaddius Jimenez.

20 BY MR. STARR:

21 Q. They -- and those witnesses identifications  
22 were witness identifications that you were involved in,  
23 correct?

24 A. Yes.

25 Q. Okay. And as you sit there -- sit here today,



1 do you agree that Mr. Jimenez was innocent of the  
2 shooting of Eric Morrow?

3 MR. STEFANICH: Objection. Form. Foundation.  
4 Legal conclusion. You can answer.

5 THE WITNESS: No.

6 BY MR. STARR:

7 Q. Do you still maintain that Thaddius Jimenez  
8 was guilty of it -- the -- of committing the crime of  
9 shooting Eric Morrow?

10 A. The evidence pointed toward that, yes.

11 Q. So do you maintain that his -- that  
12 Mr. Jimenez is guilty?

13 MR. STEFANICH: Objection. Asked and answered.

14 THE WITNESS: It's --

15 MR. STEFANICH: You can answer again.

16 THE WITNESS: It's not up to me to determine  
17 that.

18 BY MR. STARR:

19 Q. I'm asking you for your personal opinion.  
20 Do you believe that Mr. Jimenez was guilty of the  
21 shooting of Eric Morrow?

22 MR. STEFANICH: Asked and answered. You can  
23 answer again.

24 THE WITNESS: I believe he was, yes.

25 BY MR. STARR:

1 Q. Okay. And do -- so I guess my next question  
2 is probably moot, but do you have any explanation for  
3 how you were able to get multiple witnesses to identify  
4 the wrong man?

5 MR. STEFANICH: Objection. Form. Foundation.

6 THE WITNESS: That's not the case.

7 BY MR. STARR:

8 Q. Well, you understand that Mr. Jimenez was  
9 found innocent by a court of law, correct?

10 MR. STEFANICH: Objection. Form. Objection.  
11 Foundation. You can answer if you know.

12 THE WITNESS: I am aware that Thaddius Jimenez  
13 was convicted two separate times in criminal court.

14 BY MR. STARR:

15 Q. But are you aware that Thaddius Jimenez's  
16 conviction for the shooting death of Eric Morrow has  
17 been overturned, correct?

18 MR. STEFANICH: Objection. Foundation.  
19 You can answer if you know.

20 THE WITNESS: I believe so.

21 BY MR. STARR:

22 Q. Okay. And did you do anything wrong during  
23 the homicide investigation -- the Eric Morrow homicide  
24 investigation, sir?

25 MR. STEFANICH: Objection. Form.

THE WITNESS: No.

BY MR. STARR:

(CERTIFIED QUESTION)

**Q. Did you commit any misconduct during the investigation to the shooting death of Eric Morrow, sir?**

MR. STEFANICH: Objection. Form. Foundation.

I think that violates our agreement, Sean. I'm instructing him not to answer that question.

MR. STARR: It's a fact question.

MR. STEFANICH: No, it's a legal conclusion question that we agreed that wouldn't be asked.

I'm instructing him not to answer.

BY MR. STARR:

**Q. Are you going to take your attorney's advice and refuse to answer my question, sir?**

A. That's correct.

**Q. Okay. I'm going to certify that question. Did your partner, Detective Schalk, do anything --**

THE REPORTER: Sorry. I'm sorry to interrupt.

My audio just cut out. I cannot hear you-all --

MR. STARR: Just go off the record --

THE REPORTER: Can I take us off the record --

MR. STARR: Yeah --

THE REPORTER: -- really quick?

MR. STARR: -- please.

1 MR. STEFANICH: Sure.

2 THE REPORTER: Okay. Let me get us off the  
3 record. I apologize.

4 (OFF THE RECORD)

5 THE REPORTER: All right. We are back on the  
6 record for the deposition at 10:23 a.m. Central.

7 MR. STEFANICH: Objection to the last question.  
8 I believe it violates the agreement that the defense  
9 had with Plaintiff's counsel. I'm instructing the  
10 witness not to answer the question.

11 MR. STARR: And Plaintiff's position is that it  
12 is a fact question about Mr. Bogucki's misconduct.

13 BY MR. STARR:

14 Q. Mr. Bogucki, are you going to take your  
15 attorney's advice and refuse to answer my question?

16 A. That is correct.

17 MR. STARR: Okay. I'm going to -- I'm going to  
18 ask that that question to be certified.

19 BY MR. STARR:

20 Q. Mr. Bogucki, during the homicide investigation  
21 in the Eric Morrow shooting, did you ever become aware  
22 of or observe your partner, Detective Schalk, do  
23 anything wrong during that investigation?

24 A. No, I did not.

25 Q. Okay. And -- sir, you testified at Mr.

1 Jimenez's criminal trial, correct?

2 A. Yes.

3 Q. And would you agree with me that some of the  
4 testimony that you gave at the criminal trial was not  
5 true?

6 A. I do not agree with you.

7 Q. Would you at least agree with me that some of  
8 the testimony you gave in that criminal trial was  
9 misleading?

10 MR. STEFANICH: Objection. Form.

11 THE WITNESS: No.

12 BY MR. STARR:

13 Q. Do you stand by your criminal trial testimony  
14 in the Thaddius Jimenez case?

15 A. Yes.

16 Q. Sir, you did not disclose all the information  
17 that you knew at trial, like the information about Juan  
18 Carlos Torres's confession, correct?

19 MR. STEFANICH: Objection. Form. Foundation.

20 You can answer if you can --

21 THE WITNESS: That was not up to me. It was up  
22 to the State's attorneys.

23 BY MR. STARR:

24 Q. Did you disclose everything to the State's  
25 attorneys prior to the trial, sir?

1 A. Yes.

2 Q. Including the confession of Juan Carlos  
3 Torres, correct?

4 A. I don't know about the confession. I know  
5 there was a -- a recording. That's all I know --

6 Q. Okay.

7 A. -- I don't know -- I don't know exactly what  
8 was on there because I don't speak Spanish.

9 Q. You also testified at the federal civil rights  
10 trial in Thaddius -- for Thaddius Jimenez, correct?

11 A. Yes.

12 Q. You were a defendant in that case, correct?

13 A. Yes.

14 Q. Would you agree that some of the testimony  
15 that you gave in that trial was not true?

16 A. No, I would not agree.

17 Q. Would you at least agree that some of the  
18 testimony you gave in Thaddius Jimenez's civil rights  
19 case was misleading?

20 MR. STEFANICH: Objection. Form. You can  
21 answer.

22 THE WITNESS: No.

23 BY MR. STARR:

24 Q. Do you stand by your testimony that you gave  
25 in Thaddius Jimenez civil trial?

MR. STEFANICH: Objection. Form. You can answer.

THE WITNESS: Yes.

BY MR. STARR:

Q. And you're aware that Thaddius Jimenez conviction was thrown out and that he was exonerated, correct?

MR. STEFANICH: Objection. Foundation. Asked and answered.

THE WITNESS: Yes.

BY MR. STARR:

Q. How many total men have been exonerated in cases in which you were actively involved in the investigation?

A. I don't --

MR. STEFANICH: I'm sorry. Can you -- I didn't -- you're talking pretty fast. Can you repeat that, Sean?

MR. STARR: Sure.

BY MR. STARR:

Q. How many total men have been exonerated in cases in which you were the primary detective or one of the primary detectives investigating the case?

MR. STEFANICH: Objection. Form. Foundation. You can answer if you know.

THE WITNESS: I don't know.

BY MR. STARR:

Q. There's been at least three, correct?

A. I don't know.

Q. Including Mr. Fletcher, correct?

A. I know about Mr. Fletcher.

Q. Okay. Do you have any explanation for how your investigations have resulted in multiple convictions being thrown out, sir?

MR. STEFANICH: Objection. Form. Foundation.

THE WITNESS: I can only -- I can only assume that people were swayed and -- and coerced into changing their minds.

BY MR. STARR:

Q. And you think that the witnesses in these cases were swayed after the fact to change their statements?

A. I think that's very possible, yes.

Q. And who do you think did this -- the swaying, as you call it?

A. Oh, I would think people connected with your - your law firm.

Q. Okay. And do you have any idea who you're referring to or who you're making this accusation about?

A. No.



1 Q. Okay. Is it possible that any of the cases in  
2 which individuals were exonerated where you were the  
3 lead detective or one of the lead detectives -- is it  
4 possible that you got the wrong guy?

5 A. Not that I know of.

6 Q. Because that's not possible then, correct?

7 MR. STEFANICH: Objection. Asked and answered.

8 THE WITNESS: Not that I know of.

9 BY MR. STARR:

10 Q. Okay. Unrelated to Thaddius Jimenez, when you  
11 last testified in this case, I asked you some questions  
12 about a negative ID. Do you remember that?

13 MR. STEFANICH: Objection. Form. Are you  
14 talking about the Fletcher case now, Sean?

15 MR. STARR: Yeah. Yeah. Yes.

16 MR. STEFANICH: Yeah. Objection. Form.

17 MR. STARR: Well, let me then rephrase it.

18 BY MR. STARR:

19 Q. Sir, unrelated to Thaddius Jimenez, last time  
20 we sat for a deposition, I asked you questions about  
21 identification procedures, and you generally talked  
22 about how sometimes you -- there's negative IDs that  
23 occur when you do identification procedures, correct?

24 A. Yes.

25 Q. Okay. And then I also asked you about the

1 Fletcher case, and you told me there was a negative ID  
2 in the Fletcher case, correct?

3 A. You have to be more specific, sir.

4 Q. Well, I asked you about the 1995  
5 identification procedure, and you said that there was a  
6 negative ID in that particular identification procedure,  
7 correct?

8 A. If you're talking about the photo array in  
9 1995, that would be correct.

10 Q. Well, did you do more than one photo array in  
11 the Fletcher case in 1995 or more than one  
12 identification procedure?

13 MR. STEFANICH: Objection. Form.

14 THE WITNESS: No.

15 BY MR. STARR:

16 Q. Okay. So that's what I'm talking about. I'm  
17 talking about negative IDs that you've had as -- in your  
18 career. And then also, specifically, I asked you about  
19 the Fletcher case, and you gave me an example that it  
20 happened in the Fletcher case, correct?

21 MR. STEFANICH: Objection. Form. You can  
22 answer.

23 THE WITNESS: I -- I assume I said that,  
24 but --

25 BY MR. STARR:

1 Q. Okay. And when I asked you what you would do  
2 if a witness identified a filler in a -- in a -- in a  
3 photo identification procedure, you testified you had to  
4 document it as a negative ID, correct?

5 A. Yes.

6 Q. Okay. Can you explain to me what it is --  
7 what's the term negative ID or negative identification?  
8 What does that refer to exactly?

9 A. That the subject of the -- the photo spread or  
10 the photo lineup, or the subject in a physical lineup,  
11 was not picked out.

12 Q. Okay. That's what I thought you meant.  
13 I just wanted to make sure that was clear. So I'm  
14 talking more generally now, not specifically about the  
15 Fletcher case, but just more generally about police  
16 practices. I will let you know if I'm asking you a  
17 question about the Fletcher case. I'm not trying to  
18 confuse you, okay? If I understand you correct, if a  
19 photo array -- if -- as a -- as a detective, you  
20 conducted a photo array with a witness, and there was a  
21 filler identification, meaning that the suspect wasn't  
22 identified but a filler was instead identified, you  
23 would still document that that photo array occurred,  
24 correct?

25 MR. MICHALIK: I'm going to object to form and

1 foundation on that question.

2 MR. STEFANICH: Going to object to ask and  
3 answered, as well. You can answer again.

4 THE WITNESS: Would you say it again, please?

5 BY MR. STARR:

6 Q. Sure. If you conducted a photo array with a  
7 witness and there was a filler identification, you would  
8 still document that that photo array occurred, correct?

9 A. Yes --

10 MR. MICHALIK: Same objection.

11 BY MR. STARR:

12 Q. Okay. And is that true of a lineup as well,  
13 sir? If a witness identified a filler in a lineup,  
14 would you still document that that lineup occurred?

15 A. Yes.

16 Q. Okay. And when you documented that a photo  
17 array, or a lineup identification, or -- strike that.  
18 If you -- when you documented that a photo array or a  
19 lineup occurred where a negative ID occurred, would you  
20 put in your police report that it was a negative ID?

21 A. I would put in my police report that the  
22 subject of the lineup or the subject of the -- of the  
23 photo array was not identified.

24 Q. Okay. And you would not document that they  
25 actually made a selection, but that the selection was

1 not of the -- strike that. You would document that the  
2 witness could not identify the suspect, correct?

3 A. Yes.

4 Q. Would you put in your police report who the  
5 witness identified if they identified a filler?

6 A. Probably not.

7 Q. Okay. How come?

8 A. Because it wouldn't have any bearing on the  
9 case.

10 Q. Okay.

11 A. It would -- it would -- what it would mean was  
12 that our witness was unable to identify.

13 Q. Okay. So if a witness identifies a filler,  
14 that means they select the wrong person, correct?

15 MR. STEFANICH: Objection. Form.

16 THE WITNESS: Yes.

17 BY MR. STARR:

18 Q. And if a -- and if a witness identified a  
19 filler in a photo array or a live lineup instead of a  
20 suspect that you had, that would not immediately make  
21 the filler the suspect, correct?

22 A. Not unless there was other circumstances that  
23 pointed toward that.

24 Q. Okay. So if a -- if a witness identifies a  
25 filler, you would not immediately treat the filler as

1 the suspect, correct?

2 A. That is correct.

3 Q. And that would be improper to do, right?

4 A. It would just be wrong.

5 Q. Why would it -- why would it be wrong?

6 A. Because you don't pull someone off the street  
7 or out of a lockup that has no bearing on the case and -  
8 - and -- you know, there have to be other circumstances.

9 Q. Okay. And so in circumstances where a witness  
10 selects a filler in a lineup, you would document that as  
11 a negative ID rather than documenting it as a filler was  
12 identified, correct?

13 A. Most likely, yes.

14 Q. Okay. Was that your practice or was it  
15 your -- was it consistent with the practice that you  
16 learned on the job?

17 MR. MICHALIK: Object to form. Foundation.

18 THE WITNESS: Well, I don't think I -- right  
19 now, I can't recall any time that's ever happened  
20 where someone said that it's definitely someone,  
21 picked the wrong person, and said that was the  
22 person. I've had -- I've had instances where people  
23 say it looked -- kind of looks like this guy or it  
24 kind of looks like Number 4, Number 5, but I can't  
25 recall one that said, "That's definitely him."

1 BY MR. STARR:

2 Q. But based on your experience in your -- in  
3 your general practice, if a witness selected a filler,  
4 your general practice would be not to treat that filler  
5 as the suspect, correct?

6 A. That is correct.

7 Q. Okay. And that was consistent with the policy  
8 of the Chicago Police Department, as far as you  
9 understood it, when you were on the job --

10 MR. STEFANICH: Objection. Objection.

11 Foundation. You can answer.

12 THE WITNESS: I -- as far as I know, it's  
13 consistent.

14 BY MR. STARR:

15 Q. Okay. And as a detective conducting  
16 identification procedures, was there any policy that you  
17 were aware of that dictated that detectives should be  
18 the ones conducting the identification procedures?

19 A. It's just standard operation.

20 Q. Okay. Did you ever -- as a detective,  
21 did you ever rely on gang crimes officers?

22 A. Rely on how --

23 MR. STEFANICH: Same objection. Form --

24 BY MR. STARR:

25 Q. In any capacity in doing your investigations?

1 A. Oh, sure.

2 Q. All right. And doing any investigation as a  
3 detective, if you were -- if you needed a lineup done,  
4 would you ever ask gang crimes officers to conduct a  
5 lineup for you?

6 A. It's --

7 MR. STEFANICH: Objection. Form. Foundation.  
8 It's also irrelevant, but you can answer.

9 THE WITNESS: No.

10 BY MR. STARR:

11 Q. All right. Well, do -- sir, do you recall if  
12 you had any evidence that Mr. Fletcher was involved in  
13 any gang?

14 A. Not that I recall.

15 Q. When you were a detective generally speaking,  
16 and you were looking to conduct a photo identification,  
17 a photo array, would you ask the gang crimes officers  
18 for photos?

19 A. That has happened.

20 Q. Was it your understanding that gang crimes  
21 officers kept photos of known gang members?

22 A. Yes.

23 Q. And would gang crime officers conduct gang  
24 book ID procedures with witnesses where they would ask  
25 them to make IDs from gang books?



MR. STEFANICH: Objection. Form. Foundation.  
Irrelevant. You can answer if you know.

THE WITNESS: I know they -- at one time, at  
least, they had photo albums that they would show  
witnesses or victims.

BY MR. STARR:

**Q. Was that true in 2002?**

A. I'm not sure.

**Q. Do you recall that being true as far back as  
1995?**

A. I'm guessing it was, but I can't be sure.

**Q. All right. Was it true for the entirety of  
your -- early part of your career?**

A. No. I believe that there were some --  
something that said that they didn't -- couldn't keep  
those kind of files. I'm not sure, though.  
It wasn't -- it wasn't in my -- it wasn't in -- it  
didn't concern me.

**Q. Well, that reference that you're making to  
something that disallowed them from keeping those kind  
of gang books, was that later in your career or earlier  
in your career?**

A. Well, it -- it would have been later,  
I think.

**Q. All right. So like, in the 1980s, did -- as**

1 far as your experience, did gang crime officers keep  
2 gang books?

3 MR. STEFANICH: Objection. Form. Foundation.  
4 Irrelevant. You can answer.

5 THE WITNESS: As far as I know, they did, yes.  
6 BY MR. STARR:

7 Q. All right. Well, in addition to gang book  
8 identification procedures, would gang crime officers  
9 also sometimes help detectives conduct photo array  
10 procedures with witnesses?

11 A. I'm not sure exactly what you mean by that.

12 Q. Well, if you needed a photo array done, would  
13 you -- did you ever have an occasion to ask a gang  
14 crimes officer to assemble the photo array for you and  
15 conduct it?

16 A. That could have happened, but I don't have any  
17 independent recollection right now.

18 Q. Do you know if the gang crimes officers would  
19 create photo arrays from the -- from photographs that  
20 they had in their own possession?

21 MR. STEFANICH: Objection. Foundation.  
22 Irrelevant. You can answer.

23 THE WITNESS: Can you ask that again, please?  
24 BY MR. STARR:

25 Q. Yeah, sure. Do you know if the gang crime

1 officers would create photo arrays using photographs  
2 that they had in their own possession -- in their own  
3 personal possession?

4 MR. STEFANICH: Objection. Foundation.  
5 Irrelevant. You can answer.

6 THE WITNESS: I don't have independent  
7 recollection of that.

8 BY MR. STARR:

9 Q. Would you, as a detective, sometimes rely on  
10 photo array procedures conducted by gang crimes officers  
11 in your homicide investigations?

12 MR. STEFANICH: Objection. Irrelevant.  
13 You can answer.

14 THE WITNESS: I don't know if I would rely on  
15 it, but they certainly would be able to do that.

16 BY MR. STARR:

17 Q. Well, as a homicide detective, did you ever  
18 ask a gang crimes officer to create and conduct photo  
19 arrays to assist you in any homicide investigation you  
20 were conducting?

21 MR. STEFANICH: Objection. Form. Relevance.  
22 You can answer.

23 THE WITNESS: We would always conduct our own.  
24 If they -- if the gang crimes officers got  
25 information and they did it on their own, it --

1       it -- we wouldn't stop them.

2       BY MR. STARR:

3           **Q.     During your time at Area Five, did you ever**  
4 **have occasion to work on cases with Detective Reynaldo**  
5 **Guevara?**

6           A.     Did I ever have a --

7           **Q.     Occasions to work on investigations with**  
8 **Reynaldo Guevara?**

9           A.     Very, very slightly. We had used him for  
10 interpreter on a number of occasions, and for the most  
11 part, that was probably it. He -- he would do -- any of  
12 -- any of the detectives there would help each other as  
13 far as, like, what -- what I could call a busy work,  
14 like picking up someone to bring them in when they  
15 needed a ride or that type of thing. We'd all do it for  
16 each other, so that type of -- that type of instance  
17 probably had happened, yes.

18          **Q.     What about -- when did -- when Ronaldo Guevara**  
19 **was a gang crimes officer and you were a detective, did**  
20 **you ever work on any cases together in that capacity?**

21          A.     I'm sure that it had come up.

22          **Q.     Do you have -- did you ever hear anything**  
23 **about Detective Guevara's reputation as a Chicago Police**  
24 **Officer?**

25          A.     I've seen it all on the news.

1 Q. But what about during the time in which you  
2 were working with him, did you hear anything about his  
3 reputation then?

4 A. Not --

5 MR. MICHALIK: So I'm just going to object to  
6 this line of questioning as being irrelevant to this  
7 lawsuit. Obviously, there are a number of cases  
8 pending against Officer Guevara, but this isn't one  
9 of them.

10 BY MR. STARR:

11 Q. Go ahead, sir.

12 MR. STEFANICH: I think you might need to  
13 repeat --

14 THE WITNESS: Yeah. You're going to have to  
15 repeat the question.

16 BY MR. STARR:

17 Q. When you were -- when you were working at Area  
18 Five in conjunction with Detective -- or -- strike that.  
19 When you were working at Area Five simultaneous to the  
20 time in which Rey Guevara was working at Area Five, did  
21 you hear any rumors about his reputation?

22 A. I just knew that he was specifically adept at  
23 gang homicides and -- and investigations.

24 Q. How did you know that he was specifically  
25 adept at those?

A. Just by my own observation, for one thing.

Q. Did you have any opinion of Detective -- or -- strike that. Do you have any opinion of Rey Guevara's work as a Chicago Police Officer?

A. I thought he always -- thought he worked hard.

Q. What about an officer by the name of Ernest Halvorsen? Were you familiar with him at Area Five?

A. Yes.

Q. And did you work with Ernest Halvorsen when he was in gang crimes and you were a detective at Area Five?

A. He was in gang crimes?

Q. I believe so.

A. If he was, I don't remember working with him.

Q. Did you work with him when he was a detective?

A. At some occasions, yes.

Q. Did he have any reputation when you guys were both at Area Five?

A. No. He -- obviously he worked hard, also.

Q. Do you have any opinion about Ernest Halvorsen as a Chicago Police Officer?

A. I don't know what opinion you're looking for.

Q. I'm asking if you had an opinion.

A. That he was a coworker.

Q. You had no opinion about his work as a Chicago

1 Police Officer?

2 A. No.

3 Q. What about a gang crimes officer by the name  
4 of Joe Sparks? Are you familiar with him?

5 A. Yes.

6 Q. And did you work with Joe Sparks at Area Five?

7 MR. STEFANICH: I'm going to object to this  
8 line of questioning. I -- so -- a standing  
9 objection based on the relevance. You can answer.

10 THE WITNESS: I knew him, and there was --  
11 there had been cases that I worked with him.

12 BY MR. STARR:

13 Q. Did Joe Sparks have any reputation when you  
14 were at Area Five?

15 A. As far as what?

16 Q. As a Chicago Police Officer.

17 A. He was a good police officer.

18 Q. Did you have any opinion about his work as a  
19 Chicago Police officer?

20 A. I had no problem with it.

21 Q. Did you ever know Joe Sparks to be untruthful?

22 A. No.

23 Q. Did you think he was a good police officer?

24 A. Yes.

25 Q. Right. Sir, can you -- do you understand the

1 concept of independent recollection?

2 A. Yes.

3 Q. So last deposition, you talked about how you  
4 remembered certain things because of documents that you  
5 were relying on, reports that you were relying on. Do  
6 you remember generally that testimony?

7 A. Generally.

8 Q. So when I say the term independent  
9 recollection, what I mean is your memory -- your actual  
10 physical memory of something without relying on  
11 documents or relying on something that someone else told  
12 you in -- recently, okay?

13 A. Okay.

14 Q. So can you tell me what your independent  
15 recollection of the investigation into the Willie  
16 Sorrell homicide is?

17 MR. STEFANICH: So I'm going to object to form.  
18 And maybe, Sean, I'll ask clarifying questions --

19 MR. STARR: Sure.

20 MR. STEFANICH: -- because he's obviously  
21 reviewed things.

22 MR. STARR: Sure.

23 THE WITNESS: And documents, which I think may  
24 have refreshed part of his recollection, so is  
25 things that may have refreshed part of his



1 recollection part of your definition of independent  
2 recollection or no?

3 BY MR. STARR:

4 Q. I'm just going to ask you, sir. What do you  
5 independently, without the aid of documents, recall  
6 about the Willie Sorrell homicide investigation?

7 MR. STEFANICH: Objection. Form. Objection.  
8 Form. You can answer if you can.

9 THE WITNESS: Without reports, I have little  
10 independent recollection.

11 BY MR. STARR:

12 Q. Okay. That's fair. So when you say "little  
13 independent recollection," what specifically independent  
14 recollection do you have without the aid of reports?

15 MR. STEFANICH: Objection. Form. You can  
16 answer.

17 THE WITNESS: I can't tell you because I don't  
18 know what refreshed my memory or -- until I read  
19 reports, I -- I had little -- little memory of this  
20 case before reading reports.

21 BY MR. STARR:

22 Q. Prior to looking at the report, did you have  
23 any independent recollection of this case?

24 A. I remember the case happened.

25 Q. What does that mean? Do you --

1           A.     And I -- I remember going to -- to talk to  
2 Mr. Fletcher at -- in prison.

3           **Q.     What do you remember about that?**

4           A.     What do I remember?

5           **Q.     About --**

6           A.     I remember that -- it -- it's -- it's kind of  
7 funny because he said he was -- he told us -- what I  
8 remember independently is that he told us that he was  
9 selling drugs, and his drug business was so good that he  
10 didn't need to right up -- rob anyone.

11          **Q.     Okay. And that was in the year 1990 when this**  
12 **crime occurred, that he was talking about, correct?**  
13 **Do you recall that?**

14          A.     I'm sorry?

15          **Q.     The reference you just made to -- what you**  
16 **recall Mr. Fletcher telling you, he said that in 1990,**  
17 **he was making enough money that he didn't need to rob**  
18 **anyone; is that correct?**

19          A.     I -- I believe that's what he meant.

20          **Q.     Okay. I want to show you --**

21               MR. MICHALIK: Excuse me, Sean. I think Terry  
22 is going to step in now.

23               MR. STARR: Okay.

24               MR. MICHALIK: Let me make --

25               MR. STARR: It's --

MR. MICHALIK: -- just make sure he's on.

MR. BURNS: I'm with you. Thank you.

MR. MICHALIK: All right. I'm going to step out. Thank you.

MR. BURNS: Thank you.

BY MR. STARR:

**Q. All right. Mr. Bogucki, any other independent recollection, besides that, that you had prior to reviewing documents?**

A. Not that I recall. I -- I -- I don't recall any independent recollection without looking at reports.

MR. STARR: All right. I'm going to show you a document, which I'm going to mark as Exhibit 7, because I think we got through six exhibits last time. And for the record the Bates is CITY-JF-47 to 51. I'm going to share the screen with you, sir. All right. Can you see this document on your screen?

(EXHIBIT 7 MARKED FOR IDENTIFICATION)

A. Yes.

BY MR. STARR:

**Q. All right. This is a supplementary report. If you see in the right-hand corner, it has the date of December 21st, 1990. Do you see that?**

A. I do.

**Q. Okay. And this is a supplementary Chicago**

1 Police Department report from the homicide of Willie  
2 Sorrell. Do you see that, sir?

3 A. Yes.

4 Q. And if you look at the bottom of this page,  
5 the reporting officer is the officer by name of Michael  
6 Fleming. Do you see that?

7 A. Yes.

8 Q. Okay. Have you seen this December 21st, 1990,  
9 sup report before?

10 A. Yes.

11 Q. Did you review this supplemental report in  
12 preparation for the deposition?

13 A. Not -- not to this half of the deposition, no.

14 Q. You reviewed it before for your first half of  
15 the deposition?

16 A. Yes.

17 Q. And I believe, based on what you testified to  
18 last time, it was your practice when working on a cold  
19 case to review the entire file, correct?

20 A. Yes.

21 Q. And so based on your practice, you would have  
22 reviewed this particular supplemental report before you  
23 began work on the investigation of a cold -- of this  
24 cold case, correct?

25 A. Yes.

1 Q. Do you have any independent recollection of  
2 reviewing this report back when you started working on  
3 the cold case of the Sorrell homicide?

4 A. No.

5 Q. All right. I'm going to direct your attention  
6 to Bates CITY-JF-48. Do you see here the category on  
7 the left, it says, "Wanted"?

8 A. I do.

9 Q. And there's two -- there's a description of  
10 two offenders, right -- correct?

11 A. That's correct.

12 Q. And they're both unknown offenders, and  
13 there's some physical characteristics that are listed  
14 here; is that correct?

15 A. That is correct.

16 Q. Do you recall learning that there was two  
17 offenders wanted in this homicide?

18 A. Yes.

19 Q. And do you recall learning that there was some  
20 physical characteristics that witness had -- witnesses  
21 had given police?

22 A. Yes.

23 Q. Okay. And then further down here, there's  
24 some different -- additional information about the  
25 robbery and the motive. And then if we take you to Page

1 50, there is a -- actually starting on 49, there's a  
2 history of investigation. Do you see that?

3 A. Yes.

4 Q. And you would have read this when you started  
5 working on the cold case and be -- familiarized yourself  
6 with what prior police investigation had been done,  
7 correct?

8 A. Yes.

9 Q. All right. And then have you -- direct you to  
10 Page 50 on Page 4 of this document, I highlighted a  
11 section here of the narrative. It says, "While chasing  
12 the offenders, he met a cousin, Terry" -- "Rogers Terry,  
13 who told him to be careful as he knows them, and he" --  
14 "and they will shoot him. He goes on to say that Rogers  
15 told him that he will help Cooper find the offenders  
16 later." You see that?

17 A. Yes.

18 Q. And this is part of a narrative description of  
19 what Edward Cooper told police in 1990, correct?

20 A. That's what it says there, yes.

21 Q. And you would have familiarized yourself with  
22 this information when you started working on this case,  
23 correct?

24 A. Yes.

25 Q. Do you recall ever finding out whether or not

1 Terry Rogers and Edward Cooper were, in fact, cousins?

2 A. I don't recall that.

3 Q. Do you -- is there any indication in this  
4 narrative that Mr. Cooper could identify the offenders  
5 in this part that we just looked at -- this section,  
6 this paragraph?

7 MR. STEFANICH: Objection. Form. Foundation.  
8 You can answer.

9 THE WITNESS: Can you ask that once more,  
10 please?

11 BY MR. STARR:

12 Q. Yeah. So you said you reviewed this in  
13 preparation for your first deposition. You said you  
14 also reviewed it when you started working on the cold  
15 case. I'm wondering if there's any indication in this  
16 that Mr. Cooper could identify the offenders. Did he  
17 gave any indication to the police in 1990 that he could  
18 identify the offenders?

19 MR. STEFANICH: Objection. Form. Foundation.  
20 I think it also misstates what the document says,  
21 but you can answer it if you know.

22 THE WITNESS: Well, I wasn't there.  
23 I didn't -- I didn't talk to Mr. Cooper, so I -- I  
24 have no opinion on that.

25 BY MR. STARR:

1 Q. You didn't talk to Mr. Cooper in 1990. That's  
2 what you mean, right?

3 A. Right.

4 Q. You talked to him subsequent to 1990, correct?

5 A. Yes.

6 Q. All right. Do you see the bottom of  
7 the next paragraph -- is labeled Sheene Friend? Do you  
8 see -- do you see that paragraph, sir?

9 A. I do.

10 Q. And at the bottom, I highlighted a section  
11 where it says, "She states that she can identify the  
12 offenders if she sees them again and agreed to view  
13 photos in Area 5." Do you see that?

14 A. Yes.

15 Q. Do you know what photos Ms. Friend viewed in  
16 Area Five in 1990?

17 A. No clue --

18 MR. STEFANICH: Objection. Form. Foundation.  
19 You can answer.

20 THE WITNESS: No clue.  
21 BY MR. STARR:

22 Q. I'm sorry. I didn't hear your answer, sir.

23 A. I have no clue, sir.

24 Q. Okay. So do you have any independent  
25 recollection of seeing any photos that were part of a



1 photo array in 1990 in this case?

2 A. No.

3 Q. Should those photos have been made part of the  
4 file as far as you understand it?

5 MR. STEFANICH: Objection. Foundation.

6 You can answer if you know.

7 THE WITNESS: If what photos, sir?

8 BY MR. STARR:

9 Q. Whatever photos were used in the 1990 photo  
10 array, should those photos have been included in the  
11 file?

12 MR. STEFANICH: Objection. Foundation.

13 It misstates the evidence. You can answer if you  
14 know.

15 THE WITNESS: I have no idea if there was any  
16 photo array.

17 BY MR. STARR:

18 Q. Well, if there -- this says that she agreed to  
19 view photos at the area, right?

20 A. That's what it says.

21 Q. Okay. So if she did, in fact, view photos at  
22 Area Five, or if any of the witnesses viewed photos at  
23 Area Five in 1990, my question is: Should  
24 those photos have been included in this file?

25 MR. STEFANICH: Objection. Foundation.

1 You can answer if you know.

2 THE WITNESS: I -- I have no idea if anyone  
3 ever did view any photos.

4 BY MR. STARR:

5 Q. I -- I'm asking you if, in fact, that  
6 happened, should they have been included in the file,  
7 sir?

8 MR. STEFANICH: Objection. Foundation.  
9 You can answer.

10 THE WITNESS: Again, we go back to the negative  
11 photo lineups, and if there were  
12 negative -- it was negative photo lineups. If that  
13 was indeed conducted, then no. The answer is no.

14 BY MR. STARR:

15 Q. Okay. Did you ever remove any photos from the  
16 file that were used in a 1990 photo array?

17 MR. STEFANICH: Objection. Foundation.  
18 It misstates the evidence. You can answer.

19 THE WITNESS: No clue.

20 THE REPORTER: I'm sorry --

21 MR. STARR: I'm sorry.

22 THE REPORTER: -- could you repeat that?

23 MR. STEFANICH: Repeat your answer.

24 THE WITNESS: The answer is no.

25 BY MR. STARR:

1 Q. Okay. And then I'm moving us down to 51 --  
2 Bates stamp 51. There's another paragraph where it's  
3 attributed to a man by the name of Emmett Wade.

4 Do you see that, sir?

5 A. I do.

6 Q. All right. Do you see the part that I  
7 highlighted? It says, "He stated that approximately six  
8 or seven shots were fired, and he may be able to  
9 identify the two unknown male Blacks if seen again." Do  
10 you see that?

11 A. I do see it.

12 Q. Do you know if Mr. Wade was showed a photo  
13 array in 1990?

14 A. I do not know. If it's not on our report,  
15 I would not know about it.

16 Q. Based on your practice, if you had been  
17 working on this case in 1990, and you had a witness  
18 who said they may be able to identify the two known  
19 male -- unknown Blacks, would you have shown this  
20 witness a photo array?

21 MR. STEFANICH: Objection. Form. Incomplete  
22 hypothetical. You can answer.

23 THE WITNESS: Not unless I had a -- a suspect  
24 to -- for them to look at.

25 BY MR. STARR:

1 Q. Okay. And then on the same page, there's  
2 another paragraph attributed to a witness by the name of  
3 Terry Rogers. Do you see that?

4 A. Yes, I see it.

5 Q. And you're familiar with the witness Terry  
6 Rogers in this case, correct?

7 A. Yes.

8 Q. Okay. Do you see the part that I highlighted,  
9 sir?

10 A. I do.

11 Q. It reads, "He stated that he got a look at one  
12 of the men and remembers seeing him in the area of  
13 Parkside and Madison off and on for the past month."  
14 Do you see that?

15 A. Yes.

16 Q. "He stated that the man is a narcotic user."  
17 Do you see that?

18 A. Yes.

19 Q. "While they were running, he heard one of the  
20 men call the other to hurry up, and he called them by  
21 the name Fletcher." Do you see that?

22 A. I do.

23 Q. And then it says, "Rogers viewed photos in  
24 Area Five with negative results." Do you see that?

25 A. I do.

1 Q. So does that indicate to you that there was a  
2 photo array conducted in 1990?

3 A. That -- to me, at that point in time, probably  
4 meant that he looked at robbery -- known robbery  
5 offenders' albums in Area Five.

6 Q. And what do you base that on, sir?

7 A. Just the way things used to be.

8 Q. Okay. So -- and you see at the end of this  
9 paragraph, it says, "He can identify at least one of the  
10 offenders if seen again," correct?

11 A. Yes.

12 Q. So you think that this sentence here that says  
13 that he viewed photos means that he most likely viewed  
14 known robbery suspects in the area?

15 MR. STEFANICH: Objection. Form. Misstates  
16 the prior testimony. You can answer.

17 THE WITNESS: There were -- there were  
18 books -- robbery offender books that weren't really  
19 kept up to date, and it was kind of like you show  
20 these if -- and I did work robbery for three months,  
21 and it was kind like if you didn't know where to go  
22 with it, at least you did that -- that you showed  
23 these photo albums, not -- not knowing that -- if  
24 there was any one in particular that was in those  
25 albums.

1 BY MR. STARR:

2 Q. So does -- is there anything in this police  
3 report that indicates that Mr. Rogers was shown books of  
4 robbery suspects?

5 A. The word books is not in there, no.

6 Q. Okay. It just says that he was -- he viewed  
7 photos, correct?

8 A. Yes.

9 Q. Okay. So now we know that there was some  
10 photos viewed by the witnesses in 1990, correct?

11 MR. STEFANICH: Objection to form. Misstates  
12 the evidence. You can answer.

13 THE WITNESS: Again, that line in this  
14 report -- it's a typical thing at that time to bring  
15 a witness in to look at known robbery offender  
16 albums --

17 BY MR. STARR:

18 Q. So you have a --

19 A. -- to see if anyone was in there might have  
20 been one of the offenders in this case.

21 Q. You don't have any independent knowledge that  
22 Mr. Rogers was shown albums of known robbery offenders,  
23 correct?

24 A. I don't have any independent recollection of  
25 anything in 1990.

1 Q. Okay. Because Mr. Rogers was shown photos,  
2 should Mr. Wade have also been shown photos?

3 MR. STEFANICH: Objection. Foundation. You  
4 can answer.

5 THE WITNESS: I guess that's a possibility.  
6 BY MR. STARR:

7 Q. Well, given your experience -- wealth of  
8 experience as a detective, if you have multiple  
9 witnesses saying that they might be able to identify the  
10 suspect, and you show one of those witnesses photos,  
11 will you also show the other witnesses photos?

12 A. If the witnesses actually came in and followed  
13 through.

14 Q. Okay. So if Mr. Wade was available and you  
15 had been working on this case in 1990, and you had  
16 showed Terry Rogers photos, you would have also showed  
17 Mr. Wade those same photos, correct?

18 MR. STEFANICH: Objection. Form. Incomplete  
19 hypothetical. You can answer.

20 THE WITNESS: If there was cooperation between  
21 the witnesses, yeah, we could have done that.  
22 BY MR. STARR:

23 Q. Okay. And you would have shown Ms. Friend  
24 those same photos, correct?

25 MR. STEFANICH: Objection. Form. Incomplete

1 hypothetical. You can answer.

2 THE WITNESS: I don't -- you know what? Every  
3 case is different, so -- I -- I -- I wasn't there in  
4 1990.

5 BY MR. STARR:

6 Q. I understand every case --

7 A. I can't -- I can't -- I can't tell you what  
8 I would have done unless I was actually working on the  
9 case.

10 Q. I'm asking, as a matter of good practice,  
11 being a competent homicide detective, if you have  
12 several witnesses who viewed a homicide and you have  
13 photos that you're showing one of them, shouldn't you  
14 show all the witnesses the same set of photos?

15 MR. STEFANICH: Objection. Form. Incomplete  
16 hypothetical. You can answer.

17 THE WITNESS: No. The answer is not  
18 necessarily.

19 BY MR. STARR:

20 Q. Why would you not show Mr. Wade the same  
21 photos that you showed Mr. Rogers if Mr. Wade had  
22 indicated he could also potentially identify the  
23 offenders?

24 A. Well, it -- it depends. It depends on how  
25 much of a -- a waste of time it might be. The -- again,



1 you have to have a feel for the witnesses, and I have no  
2 feel for it at that time -- is how they were acting or  
3 if they could identify or might not identify -- if the  
4 photo books were up to date. If they were not,  
5 sometimes -- sometimes people just came in, so maybe the  
6 detective said, "Well, we tried something."

7 Q. So if your photo books -- if you deemed the  
8 photo books not up to date, you wouldn't show them to  
9 all the witnesses, you would just show them the one  
10 witness? Is that what your testimony is?

11 MR. STEFANICH: Objection. Form.

12 Mischaracterizes his testimony. You can answer.

13 THE WITNESS: Again, every case is different.

14 I don't know what the circumstances were then.

15 I can't really tell you.

16 BY MR. STARR:

17 Q. So I'm asking you, though. If you were  
18 working on this investigation in 1990 and Mr. Rogers,  
19 Mr. Wade, and Ms. Friend were all at the station, and  
20 all willing to look at the photos, and you showed  
21 Mr. Rogers these photos, given what we know from this  
22 report, would you show the other two witnesses the same  
23 photos?

24 MR. STEFANICH: Objection. Incomplete  
25 hypothetical. Form. You can answer.

THE WITNESS: If they were all in the station  
at the same time?

BY MR. STARR:

Q. If they were all in the station at any point  
in time.

A. If it was convenient, you know. If -- if it  
looked like it could be something that would have a good  
turnout, I guess I would.

Q. Okay. Well, if you thought you had a suspect  
in the photos -- if you thought there was one of the  
people in the photos that were being shown to Mr. Rogers  
was a good suspect, would you have made sure to show  
those photos to Mr. Wade?

A. Oh, absolutely. It --

Q. Okay.

A. It would be -- it -- it wouldn't be in photo  
albums, though. It would be a photo array.

Q. So if you had a photo array with a suspect,  
you would certainly have showed Mr. Wade that photo  
array, correct?

A. Yes.

Q. Okay. Do you see in the Rogers' paragraph  
that we just looked at, it states that the man that he  
recognized was a narcotics user?

A. I see that, yep.

1 Q. Did you ever do anything -- did you -- strike  
2 that. Did you ever do any investigation into whether or  
3 not Mr. Fletcher used narcotics?

4 A. I believe -- I believe that his criminal  
5 history indicated that.

6 Q. Well, does a criminal history indicate whether  
7 or not someone uses or someone sells narcotics?

8 A. I'd have to look at it. I -- I can't tell you  
9 right now.

10 Q. So do you have any independent recollection of  
11 doing any investigation whatsoever into whether or not  
12 Mr. Fletcher was a narcotic user?

13 A. No, I can't recall that.

14 Q. Do you see that it says that Terry Rogers told  
15 police that one of the men called the other man  
16 Fletcher?

17 A. Yes.

18 Q. Did you ever do anything with -- strike that.  
19 Did you ever ask Terry Rogers which man called the other  
20 man Fletcher?

21 MR. STEFANICH: Objection. Form. You can  
22 answer.

23 THE WITNESS: It was obvious that it would have  
24 been the second unknown offender calling  
25 the -- the person that was arrested and charged

1 Fletcher because his name was Fletcher.

2 BY MR. STARR:

3 Q. So it was obvious that the other offender  
4 called James Fletcher based on what?

5 A. Based on that he is -- that the one offender  
6 is Fletcher. His name is Fletcher.

7 Q. Right. But there was a lot of people in  
8 Chicago in 1990 with the name -- first name or last name  
9 of Fletcher, correct?

10 A. I -- yes, there was.

11 Q. And you did an investigation into people with  
12 the last name Fletcher and an investigation into people  
13 with the first name Fletcher, correct?

14 A. Yes.

15 Q. Okay. So my question is: Did you ever ask  
16 Terry Rogers whether or not the man that he  
17 heard call the other man Fletcher -- strike that.  
18 My question is: Did you ever ask Terry Rogers which man  
19 called the other man Fletcher?

20 MR. STEFANICH: Objection. Form. You can  
21 answer if you know.

22 THE WITNESS: Did I ever -- no, I would not ask  
23 him that because it was obvious that if he's saying  
24 the person is James Fletcher, then obviously I  
25 didn't believe the other offender was also Fletcher.

1 BY MR. STARR:

2 Q. Well, you knew that in 1990, Terry Rogers told  
3 police that he heard one man call the other man  
4 Fletcher, but there's no evidence in that police report  
5 that Terry Rogers knew that James Fletcher was involved  
6 in this crime, is there?

7 A. Well, it's not what he said, anyway. Terry  
8 Rogers did not say that at that time.

9 Q. Right. So Terry Rogers in 1990 did not tell  
10 police that he knew that one of the offenders was named  
11 James Fletcher, correct?

12 A. That is correct.

13 Q. And Terry Rogers only told the police in  
14 1990 that he had recognized one of the offenders from  
15 the area and that that offender was a drug or narcotics  
16 user, correct?

17 A. Yes.

18 Q. And Terry Rogers also only said to the police  
19 that he heard one of the men -- he didn't specify which  
20 one, but that he heard one of the men call the other man  
21 Fletcher, correct?

22 A. Yes.

23 Q. Okay. Do you know why Terry Rogers did not  
24 tell police in 1990 that he knew who one of the  
25 offenders was and that his name was James Fletcher?

A. I can give you an opinion on that.

**Q. Sure. Go ahead.**

A. People -- I think he was trying to say who the offender was without getting involved.

**Q. Who trained him to do that?**

A. Pardon?

**Q. You said he was trained to say that.**

**Who trained him to say that --**

THE WITNESS: No, no --

MR. STEFANICH: Yeah.

THE WITNESS: -- I didn't say that.

MR. STEFANICH: Objection. Mischaracterizes his testimony.

BY MR. STARR:

**Q. If I misheard you, I apologize. What did you say then?**

A. I said that I believe that he was trying -- probably trying to tell us, meaning the police, who the offender was without getting himself too involved.

**Q. Why is that your opinion?**

A. Because I've seen witnesses do things like that.

**Q. Did you ever ask Terry Rogers if that's what he was doing in 1990?**

1 A. He said he couldn't remember what he said in  
2 1990.

3 MR. STARR: Okay. All right. I'm going to  
4 show you another exhibit. I'm going to mark  
5 this as Exhibit 8. And for the record, this is  
6 JF -- CITY-JF-113. All right, sir, do you see this  
7 document on your screen?

8 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

9 A. Yes.

10 BY MR. STARR:

11 Q. It's a single-page document. Are you familiar  
12 with what this document is?

13 A. It's an investigative file inventory.

14 Q. Have you seen this particular document before?

15 A. I may have.

16 Q. Did you review it in preparation for today's  
17 deposition?

18 A. No.

19 Q. Okay. Do you have any independent  
20 recollection of writing any of this information on this  
21 document?

22 A. Independent, no.

23 Q. Is -- do you recognize your handwriting on  
24 this document?

25 A. I do.

1 Q. And where -- can you tell me -- do you see the  
2 numbers in the left-hand column? What columns are  
3 your -- is your handwriting located in?

4 MR. STEFANICH: Objection. You mean what rows,  
5 but...

6 BY MR. STARR:

7 Q. Okay. So there's numbers in the left-hand,  
8 whether they're rows or columns. Do you see -- can you  
9 tell me by number which rows or columns your handwriting  
10 is in?

11 A. I can't be totally sure. It looks like  
12 there's some on -- on both the -- all three columns.

13 Q. Okay. So start -- Line number 4, is that your  
14 handwriting going across?

15 A. I'm not sure. It does. The IR -- part of it  
16 might be. I'm not sure on that one.

17 Q. Anything in Lines 1 through 3 that are your  
18 handwriting?

19 A. It looks like my handwriting where it says,  
20 "Bogucki, Schalk" --

21 Q. Okay.

22 A. -- for sure.

23 Q. So starting in Line 4 that -- you think that  
24 that's your handwriting. The first three are not your  
25 handwriting, correct?



1 A. That would definitely be correct.

2 Q. Okay. So you think that you wrote Line number  
3 4; is that correct?

4 A. It looks like it.

5 Q. What about Lines 5 through 8? Do you think  
6 you wrote those lines?

7 A. It looks like it. I'm not sure, though.

8 Q. What, if anything, does this document tell  
9 you, sir, about your role in the investigation?

10 A. That some things were put in the file by  
11 myself and my partner.

12 Q. Does the date of March 19th, 1995 indicate  
13 anything to you?

14 A. It indicates the date.

15 Q. Do you know what date you were first assigned  
16 to work on the Sorrell investigation?

17 A. In 1995. I don't know the exact date, no.

18 Q. Okay. Is it possible that March 19th, 1995 is  
19 the first date -- the earliest date that you worked on  
20 the investigation?

21 A. I don't know.

22 Q. Okay. Did you work on the investigation at  
23 any -- in any year prior to 1995?

24 A. Not that I know of.

25 Q. Okay. So your recollection is you started

1 working on this cold case, this Willie Sorrell homicide,  
2 in 1995, correct?

3 A. Yes.

4 Q. And it may or may not have been in March of  
5 1995, correct?

6 A. Correct.

7 Q. Could it have been earlier than -- it could  
8 have been in February of 1995 or January of 1995?

9 A. I guess it could be because the date that  
10 these things are put in the file isn't necessarily  
11 timely.

12 Q. Okay. So this does not indicate the date that  
13 you started working on the case necessarily, correct?

14 A. I don't think it indicates anything more than  
15 what -- that we put these documents in the file.

16 Q. Okay. And this -- based on your testimony, it  
17 seems that you at least created one, two, three, four,  
18 five documents, and put them in the file, correct?

19 A. That I created them --

20 Q. Yeah.

21 A. I don't know if I created them, no.

22 Q. Okay. How would you characterize it?

23 A. I put these sheets of paper in the file.

24 Q. Okay. Did you put any more than five sheets  
25 of paper in the file?

1 A. I -- I imagine I did --

2 Q. Why is there --

3 A. -- I don't know.

4 Q. Why is there no other entries other than these  
5 five entries then?

6 A. I don't know.

7 Q. Was it a -- did you have an obligation to list  
8 the documents you put in the file on this inventory  
9 sheet?

10 A. You know, those things kind of changed through  
11 the years, also -- the procedures. Sometimes they had  
12 office people putting things in the files.  
13 I -- I really can't tell you what was exactly going on  
14 at that time.

15 Q. Okay. Do you know that -- as if -- for a fact  
16 that you generated more than five documents for the  
17 Willie Sorrell homicide investigation?

18 MR. STEFANICH: Objection. Form. Are you  
19 talking just on March 1995, Sean, or --

20 MR. STARR: During the investigation.

21 MR. STEFANICH: Okay. Objection to form.  
22 You can answer.

23 THE WITNESS: I -- I would -- I would assume  
24 there was more than that, yes.

25 BY MR. STARR:

1 Q. And I -- forgive me if I already asked this.  
2 I'm a little bit not sure if I asked it. Why would  
3 there not be more entries then?

4 A. I don't know.

5 MR. STARR: Okay. I'm going to show you  
6 another document. Mark it as Exhibit number 9.

7 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

8 BY MR. STARR:

9 Q. And for the record, this is CITY-JF-97. All  
10 right, sir. Do you see this document on your screen?

11 A. Yes.

12 Q. And this is a one-page document, correct?

13 A. Yes.

14 Q. Have you seen this document before today, sir?

15 A. I believe I have.

16 Q. Did you review this document in preparation  
17 for the deposition?

18 A. I believe I've looked at it.

19 Q. For the record, can you tell me what this  
20 document is?

21 A. It's a -- what we called at the time a stop  
22 order request.

23 Q. What is -- what was your understanding of the  
24 purpose of a stop order or cancellation request?

25 A. These were used for people we could not find,

1 and it would -- what it would do is if they ever had an  
2 occasion to be arrested or stopped or run -- their name  
3 run by the police, this stop order or record stop, you  
4 could call it, would pop up, and we would be notified  
5 that this person is wherever. If he's in the district  
6 station, or -- or they talked to someone on the street,  
7 we -- we would be notified that he is indeed with some  
8 police, and we would want to talk to him at that point.

9 Q. So when you put a stop order in, is it -- does  
10 it run indefinitely until you would have -- put a  
11 cancellation request in?

12 A. Again, this is another thing that changed over  
13 the years, and I can't tell you, about this one, how  
14 long it would last, but I do -- I do know in later years  
15 -- well, they -- they changed the name to investigative  
16 alert, but it's essentially the same thing. And -- and  
17 I -- I remember those, in the later years, would expire,  
18 and you would have to put them in again.

19 Q. Do you have any basis reviewing this document  
20 to see that this document or -- I'm sorry, that this  
21 stop order had a shelf life, so to speak, or a time  
22 limit when it were to expire?

23 A. I -- I do not know.

24 Q. Okay. And do you see your name listed here at  
25 the bottom, under "requesting officer"?

1 A. Yes.

2 Q. Okay. Do you have an independent recollection  
3 of putting this request in?

4 A. There should be a date on there.

5 Q. Yeah. No. My question is: Do you have -- I  
6 -- my question is: Do you have an independent  
7 recollection of putting this request in?

8 A. Independent, no. I --

9 Q. Okay.

10 A. I see that I did.

11 Q. Yeah. And what date did you put this request  
12 in?

13 A. 19 March of '95.

14 Q. Okay. And then how does this request, so to  
15 speak, go into the police system? How -- once you fill  
16 this out, what do you do with it?

17 A. It's submitted, and I can't -- I can't tell  
18 you exactly how anymore. I don't remember.

19 Q. Do you know whether or not this was -- this  
20 stop order or this request was the first action you took  
21 on this investigation?

22 A. No. The first action we took was listening to  
23 detectives McDonald and Rutherford when they asked us to  
24 talk to Mr. Cooper and show him a photo  
25 array -- array of Fletcher Clinton.

1 Q. Okay. So Mr. -- I'm sorry. Detectives  
2 Rutherford and McDonald asked you to show a photo array  
3 involving a photo of Fletcher Clinton to Mr. Cooper?

4 A. Yes, it was --

5 Q. And you --

6 A. Let me put it this way. I don't know if they  
7 asked us to do it, but it was discussed, and --  
8 and -- and that was the outcome of the discussion.

9 Q. And that was in 1995?

10 A. Yes.

11 Q. And that was before you put this stop order in  
12 for Terry Rogers?

13 A. Probably. Probably. Because, again, we would  
14 have looked at all the old reports, and -- and the  
15 reports -- I believe -- actually, I believe it was  
16 Rutherford and McDonald that first looked at this whole  
17 case, so I don't know whether they were unable to find  
18 Mr. Cooper or any of the other witnesses. I don't know  
19 how it occurred that they asked us to do it, but we did  
20 work with them.

21 Q. And did McDonald or Rutherford ever tell you  
22 where they got the name Fletcher Clinton from?

23 A. Somehow they did research. I don't know how.

24 Q. And they would have had to have done that  
25 research before they asked you, correct?

1 A. Yes.

2 Q. So it's your testimony that at some point in  
3 1995, McDonald and Rutherford asked you to show a photo  
4 array to Edward Cooper, correct?

5 MR. STEFANICH: Objection. Misstates his prior  
6 testimony, but you can answer.

7 THE WITNESS: It was determined that's what we  
8 should do.

9 BY MR. STARR:

10 Q. And that would have occurred before March  
11 19th, 1995, when you put the stop order in for Terry  
12 Rogers, correct?

13 A. I don't know what the date is -- would be.

14 Q. Right. But you previously testified that your  
15 first investigative action in this case was to be told  
16 or asked by McDonald, Rutherford -- McDonald and  
17 Rutherford to go out and do a photo array with Cooper  
18 involving a photo of Fletcher Clinton?

19 A. No, I -- I told you it was discussed with  
20 them, and it was determined that we would do that.

21 Q. Okay. So you don't know whether or not you  
22 did the photo array before you put the stop order in for  
23 Terry Rogers or not?

24 A. I -- I don't know for sure, no.

25 Q. Okay. All right. Do you know why the stop



1 order was put in for Terry Rogers?

2 A. Because he needed to be talked to. He was the  
3 one -- he was the one that first said the name of  
4 Fletcher.

5 Q. In 1990, correct?

6 A. That's correct.

7 Q. And at some point between 1990 and when you  
8 started working on this case, it's your testimony that  
9 McDonald and Rutherford had zeroed in on the name  
10 Fletcher Clinton, correct?

11 A. Yeah, for some reason.

12 Q. But you don't know why?

13 A. Not exactly at this point.

14 Q. Okay. I'm going to show you another document.  
15 I'm going to mark this as Exhibit number 10.

16 (EXHIBIT 10 MARKED FOR IDENTIFICATION)

17 BY MR. STARR:

18 Q. And for the record, this is CITY-JF-136.  
19 You see this document on your screen, sir?

20 A. Yes.

21 Q. It's a one-page document. Do you see that?

22 A. Yes.

23 Q. Okay. Do you recognize what this document is?

24 A. It -- it would be the -- another record stop  
25 that in the -- in that year, whenever that was, was now

1 called an investigative alert.

2 Q. Okay. Do you see the part that I'm  
3 highlighting on the screen?

4 A. Yes.

5 Q. Okay. Do you see that? I know it's, like,  
6 the -- not the greatest copy, but you can -- if I can  
7 zoom in, do you see that it says "request date" there,  
8 and there's a date of March 19th, 1995?

9 A. Yeah. And again, I don't know if that was  
10 something that had to be changed over to that format.  
11 I don't -- I don't know why that would be.

12 Q. Do you see -- above that there's a column, and  
13 I can't make out what it says. Do you know what it says  
14 to the left of the word renewed?

15 MR. STEFANICH: Sean, we got hard copies. If I  
16 can find it, it might be helpful, so if you give me  
17 a second, I might be able to get a hard copy for  
18 him.

19 MR. STARR: Yeah, that's fine. But while  
20 you're doing that, I just want to know if he recalls  
21 what it says there, based on his --

22 MR. STEFANICH: Okay.

23 MR. STARR: -- experience, you know?

24 THE WITNESS: You know what? I -- I do not.

25 BY MR. STARR:

1 Q. Okay. But do you see that it says "renewed"  
2 there, correct?

3 A. Yes.

4 Q. Does that indicate to you that there was  
5 previously a stop order put on Terry Rogers before March  
6 19th, 1995?

7 A. Before '95? No.

8 Q. Okay. That word renewed does not indicate to  
9 you that this is a renewal of a previous stop order for  
10 Mr. Rogers?

11 A. No, I -- I -- I've -- I've got a -- again,  
12 it's a long time ago, but I've got a feeling it means  
13 that's when it was originally put in.

14 Q. All right. And you see that this is a stop  
15 order for Terry Rogers? You see the name in the middle  
16 there, correct?

17 A. Yes.

18 Q. All right. And then there's a handwritten  
19 note here at the bottom. Is this your handwriting?

20 A. Yeah, it is.

21 Q. And there's your signature, correct?

22 A. Yes.

23 Q. And it says, "Please cancel. Subject has been  
24 interviewed." Is that -- do you see that?

25 A. Yes.

1 Q. What does that indicate to you?

2 A. That the subject has been interviewed, and we  
3 no longer need the record stop.

4 Q. Do you -- does this indicate to you when the  
5 subject was interviewed?

6 A. That does not. I don't -- I don't -- I don't  
7 see that it does, no --

8 Q. So the fact that there's a March 19th, '95,  
9 date here doesn't tell you that you had interviewed  
10 Mr. Rogers by March 19th, 1995?

11 A. Oh, absolutely not.

12 Q. Okay. Do you have a -- an independent  
13 recollection of printing this document and writing this  
14 on here?

15 A. Independently, no.

16 Q. Okay. But you know you did because it's your  
17 signature, correct?

18 A. Yes.

19 Q. Okay. I'm going to show you another exhibit,  
20 and this is going to be marked as Exhibit number 11. And  
21 for the record, this is CITY-JF-52. Again, a single-  
22 page document. Give me a second to pull it up. All  
23 right, sir. Just -- you can take a look. The Bates is  
24 CITY-JF-52. It's a single page, correct?

25 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

A. That's what I see.

BY MR. STARR:

Q. And you see this document on your screen?

A. Yes.

Q. And do you know what this document is, sir?

A. Yeah. It was a typewritten GPR.

Q. Okay. Have you seen this particular document before today?

A. I did.

Q. Did you review it in preparation for the deposition?

A. Yes.

Q. Okay. Do you see your name as well as Detective Raymond Schalk's name at the bottom there?

A. Yes.

Q. Is this a general progress report that you and Detective Schalk created during the Willie Sorrell investigation?

A. Yes.

Q. Okay. And the date of this report is March 19th, 1995. Do you see that?

A. Yes.

Q. Does that indicate to you that that's the date that you wrote this report?

A. Yes, that would indicate that.

1 Q. Okay. Does it indicate to you about when you  
2 conducted the information that's found in the report?

3 A. Not necessarily.

4 Q. Okay. The report, just in summary form,  
5 indicates that you interviewed a subject by the name of  
6 Edward Cooper at his home. Do you see that?

7 A. I'm sure it's in here, but I -- yes.

8 Q. Okay. And right here -- and I should have  
9 highlighted this for you, but right here it says that  
10 "The detectives learned from Detectives Rutherford and  
11 McDonald that a subject named Fletcher Clinton lived in  
12 the area of the intended victim, Edward Cooper."  
13 Do you see that?

14 A. Yes.

15 Q. Do you recall learning from Rutherford and  
16 McDonald that this Fletcher Clinton individual lived  
17 close to Mr. Cooper?

18 A. No, I don't remember that.

19 Q. Okay. And then it goes on to say that  
20 "Clinton's name was obtained through an RAMIS check of  
21 Fletcher's." Do you see that?

22 A. Yes.

23 Q. And it further says that "An IR check of  
24 Fletcher Clinton showed that he had a UUW, robbery,  
25 and drug arrest." Do you see that?

1 A. Yes.

2 Q. "He is currently serving time in DOC at  
3 Taylorville," Do you see that?

4 A. Yes.

5 Q. So that's all information that you would have  
6 known as of March 19th, 1995, correct?

7 A. That would have been, yes --

8 Q. Okay. Do you have any independent  
9 recollection of creating this report?

10 A. Independently, no.

11 Q. Do you have any independent recollection of  
12 interviewing Mr. Cooper?

13 A. No.

14 Q. But it's your understanding based on this  
15 report that at this point in time in March 19th, 1995,  
16 you were focused on someone by the name of Fletcher  
17 Clinton, correct?

18 MR. STEFANICH: Objection. Form. You can  
19 answer.

20 THE WITNESS: Yes.

21 BY MR. STARR:

22 Q. Okay. Would -- as a matter of practice, would  
23 you have pulled Mr. Fletcher Clinton's IR history at  
24 this point?

25 A. I don't know if I would have, but I would

1 think that it had already been done by McDonald and  
2 Rutherford.

3 Q. Does the sentence at the end of that paragraph  
4 that says, "An IR check of Fletcher Clinton show that he  
5 had a UYW, robbery, and drug arrest" -- does that  
6 indicate to you that an IR history was pulled of  
7 Fletcher Clinton?

8 A. Yes.

9 Q. Okay. Does that also indicate to you that a  
10 photo would have been received from Chicago Police  
11 Department during the IR check?

12 A. Well, the photo was gotten by someone  
13 somewhere.

14 Q. Okay. And according to this document,  
15 you conducted a photo array with Mr. Cooper, right?

16 A. Yes.

17 Q. Okay. It says, "A photo of Clinton was  
18 obtained, and a photo show up was conducted at the home  
19 of Edward Cooper." you see that?

20 A. Yes.

21 Q. And then it says that "Cooper did not pick the  
22 photo of Clinton." Do you see that?

23 A. Yes.

24 Q. Okay. You also apparently learned at this  
25 point in time that Mr. Cooper believed that Terry Rogers



1 had set him up, correct?

2 A. Well, that's what -- that was his thought.  
3 It's -- that's what it says here, yeah.

4 Q. I mean, you wrote it in your report, right?

5 A. Yes.

6 Q. Okay. And he -- and Mr. Cooper went on to  
7 state that Mr. Rogers -- he was familiar with  
8 Mr. Rogers' family and that "he had heard that  
9 Mr. Rogers had a bad drug habit and would do almost  
10 anything for money."

11 A. Okay.

12 Q. That's what you wrote in your report, right?

13 A. Right.

14 Q. Okay. And you even went as far as to say  
15 "he has a five-page sheet." What does that indicate,  
16 sir?

17 A. It means his criminal history was five pages  
18 long.

19 Q. And that means that you would have -- you  
20 would have previously taken a look at Mr. Rogers'  
21 criminal history, correct?

22 A. Yes.

23 Q. Because you wouldn't have known that without  
24 looking that up, correct?

25 A. Without seeing it, yes.

1 Q. Yes. And then it says, finally, "It should be  
2 noted that Rogers is the one who claimed to  
3 have" -- "that one of the offenders called the other  
4 Fletcher." Do you see that?

5 A. Yes.

6 Q. Okay. At this point in your investigation,  
7 did you -- do you have -- strike that. At this  
8 point -- of your investigation, did you have any  
9 concerns that maybe Mr. Rogers was giving you any false  
10 information?

11 A. Well, I -- I -- I didn't know at that time.

12 Q. Well, given the information that Mr. Cooper  
13 presented you with, did you have any reason to doubt  
14 Terry Rogers' statements to you?

15 A. Oh, there's always room for doubt, sure.

16 Q. Okay. Did the fact that Mr. Cooper told you  
17 that he thought Terry Rogers was involved in the crime  
18 give you any reason to think that maybe Terry Rogers was  
19 giving you false information?

20 A. Well, not unless Mr. Cooper could -- you know,  
21 could tell us exactly why he thought that other than him  
22 being a drug user.

23 Q. Did you ever do anything to investigate  
24 whether or not Terry Rogers was a drug user?

25 A. No, but it was obvious.

1 Q. It was obvious to you that Terry Rogers was a  
2 drug user?

3 A. Well, I had -- I had no reason not to believe  
4 Mr. Cooper.

5 Q. Okay. And so because you had no reason to  
6 believe -- not to believe Mr. Cooper, did you do  
7 anything to investigate whether or not Terry Rogers was  
8 involved in the crime?

9 A. I don't recall that.

10 Q. Did you ever ask Terry Rogers if he was  
11 involved in the crime?

12 A. Not that I know of.

13 Q. Okay. Did your partner, Detective Schalk,  
14 ever ask Terry Rogers if he was involved in the crime?

15 A. I don't know.

16 Q. Did the photos that you used in the photo  
17 array during this 1995 meeting with Mr. Cooper make  
18 their way into the investigative file?

19 MR. STEFANICH: Objection. Foundation. Form.  
20 Objection --

21 MR. STARR: Yeah, let me --

22 MR. STEFANICH: Objection.

23 MR. STARR: -- rephrase it. I'm going to  
24 rephrase it. I'm going to withdraw and --

25 MR. STEFANICH: So --

MR. STARR: rephrase it.

BY MR. STARR:

Q. Did the photos that you used during the photo array with Mr. Cooper in 1995 -- did you put those photos into the investigative file?

A. I don't know.

Q. Should the photos that you used for the photo array with Mr. Cooper in 1995 have been placed in the investigative file?

MR. STEFANICH: Objection. Asked and answered.

You can answer again.

THE WITNESS: They -- they didn't necessarily have to be in there, no.

BY MR. STARR:

Q. Because it was a negative ID, correct?

A. Right.

Q. Okay. And general progress report your way of documenting the fact that a negative ID occurred?

A. Yes.

Q. And if Mr. Cooper had identified any of the fillers in your photo array, you would not have documented that, correct?

A. I doubt that.

Q. You would have just -- you would have just done what you did in this report and make note that it

1 was a negative identification, correct?

2 A. Correct.

3 Q. Okay. What was your next investigative step  
4 after interviewing Mr. Cooper?

5 A. I believe it was the record stop for Terry  
6 Rogers.

7 Q. So you think you put that record stop in after  
8 you went to Mr. Cooper's house on March 19th, 1995?

9 A. I don't know if it was before or after,  
10 but that would have been -- the next step would have  
11 been to find Terry Rogers and talk to him.

12 Q. Okay. Why was the next step to find Terry  
13 Rogers and talk to him after you met with Mr. Cooper?

14 A. Well, because of what Cooper had told us and  
15 because of the name Fletcher that he gave. It was  
16 obvious that he knew something.

17 Q. Are general progress reports something that  
18 you submit to a supervisor after you fill them out, sir?

19 A. Again, this is -- this is -- this is something  
20 that's changed over time.

21 Q. Do you see --

22 A. Sometimes -- sometimes it was. Sometimes it  
23 wasn't, but it -- it's not -- it wasn't a must-do at the  
24 time.

25 Q. Okay --

1 A. I don't know.

2 Q. -- do you see your name at the bottom of this  
3 report, the signature?

4 A. I do.

5 Q. Do you know if you ever submitted this  
6 document to any supervisor?

7 A. I don't know.

8 Q. Do you know why this document was never  
9 approved by any supervisor?

10 A. Again, I don't know what the thought was at  
11 the time.

12 Q. Okay --

13 A. GPRs were usually just note paper, and at that  
14 time some were being used for short reports.

15 Q. So you -- at this point in time, you attempted  
16 to find Terry Rogers, correct?

17 A. Yes.

18 Q. Did you attempt to find the witness by the  
19 name of Emmett Wade at this point in time?

20 A. I don't recall that.

21 Q. Why not?

22 A. Because I think the next -- the next thing we  
23 wanted to do was to talk to Terry Rogers.

24 Q. Why would you not put a stop order in on  
25 March 19th, 1995, for the witness Emmett Wade?

1 A. I don't remember.

2 Q. Did you attempt to find Sheene Friend at this  
3 point on March 19th, 1995?

4 A. No. At some point, we put a record stop for  
5 her, too, so I don't know if we tried to find her then  
6 or not. But I would guess we did.

7 Q. You think you put a stop order in for Sheene  
8 Friend in March of 1995?

9 A. I don't know exactly the date on that.

10 Q. Any explanation for why you chose to look for  
11 Terry Rogers first and not look for all the witnesses at  
12 the same time?

13 A. I don't know that we didn't look for all the  
14 witnesses at the same time. I don't remember.

15 Q. I thought you just testified that you didn't  
16 look for Mr. Wade at this point in time?

17 A. Not that I recall --

18 Q. Okay.

19 A. Let me put it that way.

20 Q. But you recall from the 1990 police report,  
21 the sup that was done by Detective Fleming, that  
22 Mr. Wade had indicated that he might be able to identify  
23 the suspects, correct?

24 A. It says that, yes.

25 Q. And you recall from the 1990 report that was

1 done by Detective Fleming that Ms. Friend had indicated  
2 she might be able to identify the suspects, correct?

3 A. I believe so, yes.

4 Q. Okay. Wouldn't it have been proper to seek to  
5 find those two witnesses at this point in time, as well?

6 MR. STEFANICH: Objection. Form. You can  
7 answer.

8 THE WITNESS: Again, I don't recall exactly  
9 what we did back in 1995.

10 BY MR. STARR:

11 Q. Did you ever show the photo array that you  
12 showed to Mr. Cooper to Mr. Rogers?

13 A. No.

14 Q. Why not?

15 A. Because the first time we talked to  
16 Mr. Rogers, he told us who -- who James Fletcher was and  
17 that he was one of the offenders.

18 Q. But --

19 A. So Fletcher Clinton did not have any bearing  
20 on this case anymore.

21 Q. Well, Detective Rutherford and Detective  
22 McDonald thought that Fletcher Clinton had some bearing  
23 on this case, correct?

24 A. No, they didn't. They said he -- he had the  
25 right type of his -- criminal history, and he lived in



1 the area. And his name was Fletcher. That was all.

2 Q. And you remember that?

3 A. I -- I've got that from the reports.

4 Q. Okay. So you never showed Terry Rogers the  
5 photo array that you showed Edward Cooper, even though  
6 Terry Rogers had said that he thought he could identify  
7 one of the individuals, correct?

8 MR. STEFANICH: Objection. Form. You can  
9 answer.

10 THE WITNESS: I just said he told us exactly  
11 who one of the offenders was.

12 BY MR. STARR:

13 Q. So when you met with Mr. Rogers, the first  
14 thing he told you was who one of the offenders was?

15 MR. STEFANICH: Objection. Misstates his prior  
16 testimony --

17 THE WITNESS: He might have said hello, the  
18 first thing. I -- I -- what do you -- yeah.  
19 I don't know what you're getting at.

20 BY MR. STARR:

21 Q. I -- I'm just trying to figure out what you  
22 did and what investigative steps you took, sir.  
23 So did you intend to show the photo array that included  
24 Mr. Clinton to Terry Rogers?

25 A. Not at that -- not that I know of, no.

1 Q. Why not?

2 A. We intended to talk to Terry Rogers. And when  
3 we talked to Terry Rogers, he told us exactly who one of  
4 the offenders was.

5 Q. Right. But you knew from the 1990 --

6 A. Why would -- why -- I -- I don't understand  
7 your question. I don't know -- know why we would show a  
8 negative -- someone we -- we disregarded already.

9 Q. Okay. The 1990 sup report indicates that  
10 Mr. Rogers could potentially identify the  
11 suspect -- one of the suspects, correct?

12 A. Potentially, yes.

13 Q. And the 1990 sup report indicates that  
14 Mr. Wade could potentially identify both of the  
15 suspects, correct?

16 A. It's what it said.

17 Q. And the 1990 sup report indicates that  
18 Ms. Friend could potentially identify both of the  
19 suspects, correct?

20 A. She -- I believe she said one of the offenders  
21 that she had --

22 Q. Okay.

23 A. -- seen -- she had seen in the neighborhood  
24 before.

25 Q. Okay. And you showed her a photo array to

1 **Mr. Cooper, correct?**

2 A. When?

3 **Q. In 1995.**

4 A. Yes.

5 **Q. But you did not show that same photo array to**  
6 **any of the other -- any of the other witnesses, correct?**

7 A. That is correct.

8 **Q. And why did you choose not to show the other**  
9 **witnesses the same photo array that you showed**

10 **Mr. Cooper?**

11 MR. STEFANICH: Objection. Asked and answered.  
12 You can answer again.

13 THE WITNESS: Because we had no reason to  
14 believe that Fletcher Clinton had anything to do  
15 with this case.

16 BY MR. STARR:

17 **Q. Because Mr. Cooper could not identify him?**

18 MR. STEFANICH: Objection. Misstates his prior  
19 testimony. You can answer.

20 THE WITNESS: No, that's not --

21 THE REPORTER: I'm sorry. Could you repeat  
22 that?

23 MR. STEFANICH: Can you repeat that answer --

24 THE WITNESS: No, that's not the case.

25 BY MR. STARR:

1           Q.     Then why did you believe that Mr. Clinton had  
2 nothing to do with the -- had no bearing on the  
3 investigation anymore at this point in time?

4           MR. STEFANICH:   Objection.   Form.   Misstates  
5 prior -- or mischaracterizes his prior testimony.  
6 You can answer again.

7           THE WITNESS:   Fletcher Clinton -- the only  
8 reason we showed a photo is because of his -- he had  
9 a name of Fletcher, as did many others, and that he  
10 lived in the area, and he had a criminal history.  
11 That's the only reason at that time.   It was a shot  
12 in the dark at that time in '95.   When we talked to  
13 Terry Rogers, Terry Rogers told us exactly who one  
14 of the offenders was, and it just happened that his  
15 name was Fletcher.

16 BY MR. STARR:

17           Q.     And you learned this --

18           A.     So there was no -- there was absolutely no  
19 reason to show the photo array of Fletcher Clinton ever  
20 again.

21           Q.     And you learned this information from Terry  
22 Rogers right after he was arrested, correct?

23           A.     In 2002.

24           Q.     You learned from Terry Rogers in 2002 that  
25 the -- one of the suspects was named James Fletcher,

1 right after he was arrested, correct?

2 A. Correct.

3 Q. And you learned this information from Terry  
4 Rogers in 2002 that one of the suspects was named James  
5 Fletcher following learning from Mr. Cooper that he  
6 thought Mr. Rogers was involved in the crime, correct?

7 MR. STEFANICH: Form. You can answer.

8 THE WITNESS: Following a statement by Cooper  
9 in '95?

10 BY MR. STARR:

11 Q. Yeah. So let me re-ask the question.  
12 In 1995, you learned from Mr. Cooper that he thought  
13 that Terry Rogers was involved in the crime, correct?

14 A. That's what he said. That's what he thought.

15 Q. And then the first time you got an opportunity  
16 to speak to Terry Rogers, Terry Rogers told you that the  
17 suspect was named James Fletcher, correct?

18 A. Yes.

19 Q. Did you have any concerns that Terry Rogers  
20 was giving you the name James Fletcher because of what  
21 Mr. Cooper had told you -- that he thought Mr. Rogers  
22 was involved in the crime?

23 A. I -- we took it as -- as -- as it was -- came  
24 out --

25 Q. Okay.

1 A. We can't -- you know, it doesn't -- whatever  
2 thoughts we could have had, we -- we'd have to prove.

3 Q. So between 1995, when you showed Mr. Cooper  
4 the photo array with Fletcher Clinton in it, and 2002,  
5 seven years, what did you do to investigate whether or  
6 not Fletcher Clinton was involved in the crime in any  
7 way or -- in any way?

8 A. Nothing.

9 Q. Okay. Between 1995, when Mr. Cooper was  
10 unable to identify the photo array containing Fletcher  
11 Clinton, and 2002, why did you not go out and find  
12 Emmett Wade and show Emmett Wade the photo array that  
13 involved Fletcher Clinton?

14 A. Well, because if -- if Mr. Cooper said -- if  
15 Fletcher Clinton wasn't the person, he was the one that  
16 was the main person in this. He had the best look, and  
17 there was no sense in -- in burning out witnesses with  
18 frivolous photo shows.

19 Q. Is that the same reason why you didn't take  
20 the photo array to Sheene Friend between 1995 and 2002?

21 A. I don't know if we even -- were even able to  
22 find Sheene Friend at that time.

23 Q. So in 1995, when you got Fletcher Clinton's  
24 criminal history, you pulled this photo, and you showed  
25 it to Cooper, that's the last thing you did to

1 investigate whether or not Fletcher Clinton was involved  
2 in the shooting of Willie Sorrell, correct?

3 A. Yes.

4 Q. Did you do anything else to investigate any  
5 other suspects between 1995 and 2002?

6 A. No. Our key was to talk to Rogers again.

7 Q. Okay. So you waited seven years to talk to  
8 Rogers, correct?

9 A. We had to.

10 Q. Okay. And you did nothing on the  
11 investigation between 1995 and 2002; is that correct?

12 A. Not that I recall.

13 Q. Okay. Did you investigate whether or not  
14 there were any other Fletchers that live close to  
15 Mr. Cooper who also had a criminal history similar to  
16 Fletcher Clinton's?

17 A. I'm sure -- I'm sure there could have been.

18 Q. Did you ever take any photos of those  
19 Fletchers and show them to Mr. Cooper?

20 A. No.

21 Q. Why not?

22 A. Again, you -- you -- you can't just keep  
23 flooding witnesses with photo arrays with no --  
24 with -- with -- with no basis.

25 Q. Well, what was your basis in showing a photo

1 array with Fletcher Clinton in it to Mr. Cooper in  
2 1995?

3 A. Because detectives McDonald and Rutherford  
4 requested that.

5 Q. Yes. And when you say that --

6 A. They thought -- they thought it -- it was  
7 worth the shot to just show that photo.

8 Q. And you would have an independent recollection  
9 of them telling you they thought it was worth a shot to  
10 just show that photo, correct?

11 A. I don't know exactly what was said, no.

12 Q. But you have a -- you have an independent  
13 recollection that's what happened?

14 A. I have no independent recollection.  
15 I can only go by the reports.

16 Q. Okay. I'm going to show you another document  
17 here. This is Exhibit 12. CITY-JF --

18 (EXHIBIT 12 MARKED FOR IDENTIFICATION)

19 MR. STEFANICH: Can we take a five-minute  
20 break?

21 MR. STARR: I'm sorry. I didn't hear you.

22 MR. STEFANICH: Can we take a five-minute  
23 break?

24 MR. STARR: Five-minute break? Sure.

25 MR. STEFANICH: Yep. Thanks.



1 THE REPORTER: All right. Let me get us off  
2 the record. The current time is 11:42 a.m. Central.  
3 We are off the record.

4 (OFF THE RECORD)

5 THE REPORTER: All right. We are back on the  
6 record for the deposition of Jerome Bogucki on  
7 October 12th, 2023. The current time is 12:03 p.m.  
8 Central. You may continue.

9 BY MR. STARR:

10 Q. All right. Mr. Bogucki, I want to show you  
11 what I'm going to mark as Exhibit number 12. And this  
12 is City-JF--66 through 85. Do you see the document on  
13 your screen, sir?

14 THE WITNESS: Yes.

15 BY MR. STARR:

16 Q. And I'll show you that the first Bates stamp  
17 on this is 60 -- I'm sorry. It's 66. See that bottom  
18 there?

19 A. Yeah.

20 Q. Okay. And then the last Bates stamp is 85.  
21 You see that, sir?

22 A. Yes.

23 Q. Do you know what this document is, sir?

24 A. It's -- it's some type of arrest record --  
25 records, I should say.

1 Q. Okay. And have you seen this document before  
2 today, sir?

3 A. It looks like I have, but I don't have  
4 independent recollection.

5 Q. Okay. Do you know if you reviewed this  
6 document in preparation for today's deposition, sir?

7 A. If it was in the file, I did.

8 Q. Okay. And I -- I'll represent to you that  
9 this document was produced in discovery as part of the  
10 investigative file in the Willie Sorrell homicide  
11 investigation, okay?

12 A. Okay.

13 Q. And we -- I believe previously at your first  
14 deposition or first part of your deposition, we talked  
15 about this document, and I refer to it as a CAPS  
16 document. Do you see how the top left-hand, that signed  
17 -- the insignia of CAPS there?

18 A. Yeah, I see the insignia, but I'm not sure  
19 that's what it's called, but --

20 Q. Okay. Do you know what it's called?

21 A. I'm not sure.

22 Q. And I think --

23 A. Anymore -- I -- I did at one time, but I don't  
24 know.

25 Q. Did you run this report, sir?

1 A. I don't know.

2 Q. Okay. So it's possible that you ran this  
3 report during the Willie Sorrell homicide investigation,  
4 correct?

5 A. I have no idea.

6 Q. Okay. And there's no place in this document  
7 that reveals the name of the person who ran this  
8 document, correct?

9 A. Not that I see.

10 Q. Okay. Do -- I think you previously referred  
11 to this as a document that was created in 1998. Do you  
12 remember talking about that at the last deposition?

13 A. If that's -- I'd say I can see a date of 1999  
14 on it.

15 Q. Yeah. So I'll zoom in a little bit. You can  
16 see here, it says, "Today is 19 August 1999. Time is  
17 00:40." do you see that, sir?

18 A. I do see it.

19 Q. So does that tell you that this document was  
20 generated in -- on August 19th of 1999?

21 A. Apparently.

22 Q. And the time was 12:40 a.m.; is that correct?

23 A. That's what it says there.

24 Q. Was that a watch -- during the time on the  
25 watch that you would work in 1999?

1 A. Yeah. Yes, it is.

2 Q. Okay --

3 A. It was.

4 Q. And then I'll direct you to -- towards  
5 the end of this document, there's on page Bates stamp  
6 70 -- 78, you see that there's Fletcher Clinton's name,  
7 correct?

8 A. I see that.

9 Q. And that is IR number of 823141, you see that?

10 A. I see that.

11 Q. And it says he has an address of 4238 West  
12 Washington. Do you see that?

13 A. I do.

14 Q. All right. That's his home address, it says,  
15 right?

16 A. I don't see it anymore --

17 Q. I'll go back.

18 A. That's what it says, yes.

19 Q. Okay. And then it also says Fletcher Clinton  
20 again -- his name again, a second time at the bottom of  
21 the page. You see that?

22 A. Yes.

23 Q. And it says -- for this, it says his home  
24 address is 1538 North Leamington. Do you see that?

25 A. Yes.

1 Q. Do you know what the purpose of this report  
2 is?

3 A. I do not.

4 Q. Does this report indicate to you -- indicate  
5 to you that in 1999, somebody working on the Willie  
6 Sorrell investigation was still investigating other  
7 Fletchers -- other people by the name -- by the first  
8 name of Fletcher?

9 A. Apparently.

10 Q. Yeah, because all the names -- all the  
11 Fletcher -- there's a number of Fletcher names on here,  
12 correct?

13 A. Yes, I see some.

14 Q. And they're all Fletcher as a first name.  
15 Do you agree with me?

16 A. I see that.

17 Q. Okay. Including Fletcher Clinton, correct?

18 A. Correct.

19 Q. So does this document indicate to you that  
20 somebody working on the Willie Sorrell investigation  
21 was still investigating Fletcher Clinton as a possible  
22 suspect in 1999?

23 MR. STEFANICH: Objection. Foundation.

24 You can answer.

25 THE WITNESS: Not necessarily, no.

1 BY MR. STARR:

2 Q. What else might this document indicate other  
3 than that fact?

4 A. Well, depending on -- depending on how this  
5 was brought up, I'm -- I'm guessing there was some way  
6 to bring up anybody with the name of Fletcher, and he  
7 just came up again.

8 Q. All right. Do you know what investigation  
9 into the Willie Sorrell homicide you were conducting in  
10 August of 1999?

11 A. I have no idea.

12 Q. Is it possible that you were investigating  
13 other individuals by the name of -- with the first name  
14 of Fletcher?

15 A. I don't know.

16 Q. Is it possible that you were investigating  
17 Fletcher Clinton as a suspect in 1999?

18 A. Not that I recall.

19 Q. Is it possible that Detective Schalk was  
20 investigating Fletcher Clinton in 1999?

21 A. Not that I know of.

22 Q. Is it possible that Detective -- Defendant  
23 Noradin was investigating Fletcher Clinton in 1999?

24 A. Not that I know of.

25 Q. Is it possible that Detective Wojcik or

1 Sergeant Wojcik was investigating Fletcher Clinton in  
2 1999?

3 A. I highly doubt that.

4 Q. Why do you highly doubt that, sir?

5 A. Because as far as to my knowledge he had  
6 nothing to do with this case.

7 Q. Okay. What was your next investigative step  
8 after August of 1999 in the Willie Sorrell homicide?

9 A. I don't know that I did anything in 1999.

10 Q. So your next investigative step that you do  
11 recall doing was in 2002; is that correct?

12 A. That's according to reports, yes.

13 Q. Okay. Let's look at another document. I'm  
14 going to mark this as Exhibit number 13, and for the  
15 record, this is CITY-JF-15274. All right. Sir, do you  
16 see this document on your screen? It's a one-page  
17 document.

18 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

19 A. Yep --

20 MR. STEFANICH: Oh, sorry. Never mind.

21 BY MR. STARR:

22 Q. Do you see the Bates there at the bottom,  
23 CITY-JF-1574 -- 7 -- 15274?

24 A. I see that.

25 Q. Okay. And what is this document, sir?

A. It is an arrest record of Fletcher Clinton.

Q. Okay. So is this his criminal history or IR report? Is that -- are those terms that this document has used?

A. Yes.

Q. Okay. And I'll represent to you that this is part of the investigative file in the Willie Sorrell homicide investigation. Do you have any reason to doubt that?

A. I have no reason to doubt it, no.

Q. Is this the IR history that you believe you ran when you pulled the photo to take out to show Edward Cooper in 1995?

MR. STEFANICH: Objection. Misstates his testimony. You can answer.

THE WITNESS: I don't believe I ran anything as far as Fletcher Clinton.

BY MR. STARR:

Q. Well, you did write in GPR that their -- an IR history was pulled for Fletcher Clinton, correct?

A. Yeah, I believe I said -- what -- it -- it -- I believe I said it was Rutherford and McDonald.

Q. And do you know that for a fact, or are you just --

A. That's what it appeared to be.



1 Q. Based on what?

2 A. Based on my GPR that was written.

3 Q. And do you see at the bottom of this -- or  
4 this criminal history of Fletcher Clinton, there's some  
5 handwriting. Do you see that, sir?

6 A. I do.

7 Q. Is that your handwriting?

8 A. It is not.

9 Q. Do you recognize whose handwriting this is?

10 A. Nope.

11 Q. Do you see what it says?

12 A. I see what it says.

13 Q. Can you tell us for the record what you can  
14 read that it would say?

15 A. It says, "In custody -- Taylorville --  
16 Admitted 7-8-94. Parole 6-13-96."

17 Q. And that, in part, tracks some of the  
18 information that was found in your general progress  
19 report about your visit to Mr. Cooper, correct?

20 A. I'm sorry. I didn't get that question.

21 Q. Yeah. That information that's handwritten on  
22 this document tracks some of the information that's  
23 found in your general progress report, correct?

24 A. I have -- I don't know. I don't know what  
25 that's --

1 Q. Your general progress report indicated that  
2 Mr. Clinton was in Taylorville penitentiary, did it not?

3 A. I guess it did.

4 Q. Okay. It also indicated that he had certain  
5 arrests for -- one for a U UW and another for a drug  
6 offense, correct?

7 MR. STEFANICH: Objection. Form.

8 THE WITNESS: I don't know. I'd have to see it  
9 once again to be sure.

10 BY MR. STARR:

11 Q. Sure. Well, in the interest of time, I'm  
12 going to just represent you that it does. Do you see  
13 that it says Mr. Fletcher Clinton, at the top here,  
14 had a U UW charge?

15 MR. STEFANICH: I'm going to object to the  
16 form. You can answer.

17 THE WITNESS: I see it's there, yes.

18 BY MR. STARR:

19 Q. All right. And do you see that there's also  
20 some indication that there was some drug offenses  
21 charged to Mr. Clinton -- Fletcher Clinton?

22 A. Yeah, I can see -- yes, I can see that.

23 Q. Okay. And so that --

24 A. I see -- yeah. Oh, go ahead.

25 Q. That would track -- and a robbery conviction

1 or a charge as well, right?

2 A. I see that, yes.

3 Q. So that would track some of the information  
4 found in your general progress report as well, correct?

5 A. It seems to be, yes.

6 Q. Okay. I'm going to rotate this document.  
7 Do you see at the bottom -- there's a stamp when this  
8 document was pulled? Do you see that, sir? Here. It's  
9 at the top now -- the top left-hand side?

10 A. Yeah.

11 Q. All right. And do you see that stamp?  
12 Can you read that stamp? When I zoom in on -- what the  
13 date is on that stamp?

14 A. Not really. It looks like October  
15 20-something 1994, maybe.

16 Q. Okay. That's how I read it as well, sir --

17 A. I'm not sure.

18 Q. Do you know if the criminal history of  
19 Fletcher Clinton was pulled in October of 1994?

20 A. I have no idea.

21 Q. Do you know who would have pulled the criminal  
22 history of Fletcher Clinton in 1994 during the Sorrell  
23 investigation?

24 A. No.

25 Q. Okay. I'm going to show you another document

1 here, sir. For the record, this is going to be marked  
2 as Exhibit number 14, and this is CITY-JF-18 --  
3 CITY-JF-18. All right. Do you see that document on  
4 your screen, sir?

5 (EXHIBIT 14 MARKED FOR IDENTIFICATION).

6 A. Yes.

7 BY MR. STARR:

8 Q. What is this document, sir?

9 A. Looks like it's an arrest record -- arrest  
10 report for Terry Rogers.

11 Q. All right. And you see the Bates stamp at the  
12 bottom there, City-JF-18?

13 A. I do.

14 Q. Did you review this document in preparation  
15 for today's deposition?

16 A. I probably saw it. I don't know how much  
17 I reviewed it.

18 Q. Okay. And do you see at the top here -- this  
19 document appears to be created or printed on February  
20 12th, 2002. Do you see that?

21 A. That's what it looks like. Yes.

22 Q. Okay. And it says from District 16?

23 A. I'm sorry?

24 Q. And then next to it, it says from District 16.  
25 Do you see that -- Chicago PD?

1 A. That's what it says there.

2 Q. All right. Do you see there's some  
3 handwriting on this document here at the top -- at the  
4 very top underneath District Chicago PD?

5 A. I do see handwriting there.

6 Q. And do you see -- it appears to say sister,  
7 and there's a phone number and then the words Angela,  
8 or something, Rogers. Do you see that?

9 A. I do see it.

10 Q. All right. Do you have any recollection of  
11 ever contacting Mr. Rogers' sister?

12 A. I do not have a recollection, no.

13 Q. Did you -- do you know if you ever spoke to  
14 Mr. Rogers' sister during the Sorrell investigation for  
15 any reason?

16 A. I don't know that.

17 Q. Okay. And do you recall having this document  
18 in your possession at any point during the Sorrell  
19 investigation?

20 A. I don't recall.

21 Q. Okay. Do you see that -- in the narrative  
22 section here, it reads, "Above arrested unsigned  
23 complaints after being positively identified by  
24 Complainant as the individual who entered the above  
25 listed building without lawful entry and remained within

1 that residence. Subject taken into custody, read rights  
2 per Miranda, and transferred to an illegible district  
3 for processing." And then it says, "Subsequent name  
4 check revealed investigative alerts for homicide under  
5 number 95376. Area Five Sergeant Dolan contacted."

6 Do you see that?

7 A. I see that.

8 Q. And then it says, "Hold papers secured"?

9 A. Yes.

10 Q. Okay. Was this the scenario that you were  
11 talking about earlier when you testified that a stop  
12 order -- if someone was arrested, a stop order would be  
13 alerted, and investigative alert would go out?

14 A. Apparently, this was probably the -- the  
15 arrest, yes.

16  
17  
18 Q. All right. This is the arrest that put you in  
19 contact with Terry Rogers; is that correct?

20 A. That's what it looks like.

21 Q. And I know it's handwritten, and it's not the  
22 best copy, but do you see here in this box -- I can't  
23 make the number out, but it says date of arrest. Do you  
24 see I'm highlighting it right here?

25 A. I do.

1 Q. Can you tell me what the date and the time of  
2 the arrest is?

3 A. It says 11 -- oh, wait. There it is. "11  
4 February '02, 23:30."

5 Q. And in layman's terms, what time is 23:30 sir?

6 A. 11:30 p.m.

7 Q. Okay. So this indicates that Mr. Rogers was  
8 arrested on 11:30 p.m. on February 11th of 2002,  
9 correct?

10 A. That's what it says, yes.

11 Q. Okay. And were you notified when this  
12 investigative alert had -- was tripped with Terry  
13 Rogers?

14 A. Apparently.

15 Q. Do you know who notified you?

16 A. I have no idea.

17 Q. Do you know what you did in response to  
18 finding out that an investigative alert on Terry Rogers  
19 had been called in?

20 A. We arranged to talk to Terry Rogers.

21 Q. That was your next investigative step in the  
22 Sorrell homicide -- was to make arrangements to speak to  
23 Terry Rogers?

24 A. I believe so, yes.

25 Q. Do you know when Mr. Rogers -- after this

1 arrest, do you know when Mr. Rogers was transported to  
2 Area Five?

3 A. When? No --

4 Q. Yeah. Okay.

5 A. No, I do not.

6 Q. Do you know how long after Mr. Rogers was  
7 arrested, that you actually got to sit down and speak to  
8 Terry Rogers?

9 A. It might have been the next day.

10 Q. Do you have a recollection of that?

11 A. Not --

12 A. Meeting?

13 A. -- independently, no.

14 Q. All right. You have no independent  
15 recollection of meeting with Terry Rogers; is that  
16 correct?

17 A. I didn't say that.

18 Q. That --

19 A. I said I don't remember when and how.

20 Q. Okay. What independent recollection do you  
21 have of meeting with Mr. Rogers?

22 A. That it did actually happen.

23 Q. Beyond the fact that it did actually happen,  
24 what other independent recollection do you have of  
25 meeting with Mr. Rogers?



1 A. Only what it says on the reports.

2 Q. Prior to your meeting with Mr. Rogers, would  
3 you have -- when you put out an investigative alert, is  
4 there any steps that you normally take in the process of  
5 doing that?

6 A. I don't understand the question.

7 Q. Well, if you're trying to find somebody, you  
8 put out an investigative alert, correct?

9 A. Right. We put out an investigative alert in  
10 order to try and find someone, yes.

11 Q. Would you have pulled Terry Rogers IR history  
12 prior to putting an investigative alert on him?

13 A. Yes.

14 Q. Would you have pulled this photograph prior to  
15 putting an investigative alert on him?

16 A. Most likely, yes.

17 Q. Okay. I'm going to show you another document  
18 I'm going to mark as Exhibit number 15, and this is two  
19 different pages. This is CITY-JF-98 and 104. Let's  
20 take a look at those.

21 (EXHIBIT 15 MARKED FOR IDENTIFICATION)

22 BY MR. STARR:

23 Q. All right. So the first one you see at the  
24 bottom here, it says, CITY-JF-98?

25 A. Yes.

1 Q. And then the next one you see at the bottom  
2 says, City-JF-104?

3 A. Yes.

4 Q. Okay. And the first one is the criminal  
5 history or the IR history of Terry Rogers, correct?

6 A. It looks like it, yes.

7 Q. Okay. And does it indicate to you what --  
8 when this criminal history was pulled?

9 A. It appears in '95. February 22nd of '95.

10 Q. And would it been you and Detective Schalk  
11 that would have pulled this IR history; is that correct?

12 A. I have no idea.

13 Q. Well, who else might have pulled this IR  
14 history in this case?

15 A. Well, it could have been anyone, but if I was  
16 to guess it would be McDonald and Rutherford, either one  
17 of them.

18 Q. Okay. Were they -- they were still working on  
19 the case in February of 1995, correct?

20 A. I believe they started it.

21 Q. And then --

22 A. According to reports.

23 Q. Okay. And the second document here is  
24 CITY-JF-104. Do you see that, sir?

25 A. Yes.

1 Q. And this is in a -- this is another arrest  
2 report of Terry Rogers, correct?

3 A. Yes, it is.

4 Q. And his arrest date here -- do you see that as  
5 September 20th, 1994. Do you see that?

6 A. Yes.

7 Q. Okay. Do you recall reviewing this document  
8 in preparation for today's deposition, sir?

9 A. I probably saw it. I don't know how much I  
10 reviewed it.

11 Q. All right. And this was also pulled as --  
12 based on this timestamp down here on February 22nd,  
13 1995, correct?

14 A. That's what the timestamp says, yes.

15 Q. Do you have any reason to doubt that that's  
16 the correct date and time that this -- or the date that  
17 this document was pulled?

18 A. No. I have no reason to doubt that.

19 Q. And do you know whether or not you requested  
20 this arrest report or not?

21 A. I have no recollection of that.

22 Q. Do you know whether there were any  
23 investigative alerts out for Terry Rogers prior to the  
24 one that you issued?

25 A. I do not know that.

1 Q. Okay. Was that something that you would have  
2 been aware of when you put in an investigative alert?  
3 Somebody did -- does it tell you? Did the -- does the  
4 system tell you whether there's an outstanding  
5 investigative alert for that person?

6 A. I'm not sure at that time.

7 Q. All right. Where were you when you first  
8 encountered Terry Rogers during the investigation of the  
9 Sorrell homicide?

10 A. I think, according to reports, we were in the  
11 Area Five office.

12 Q. And you interviewed him at Area Five; is that  
13 correct?

14 A. I believe so, yes.

15 Q. Who else was present for that interview, sir?

16 A. Detective Schalk.

17 Q. How long did that interview last?

18 A. Don't know.

19 Q. At what point in the interview did Mr. Rogers  
20 tell you that he knew that Jimmy Fletcher or James  
21 Fletcher was one of the offenders in the Sorrell  
22 shooting?

23 A. I -- I don't recall it ever being a problem.  
24 I believe he said it pretty much right away.

25 Q. And do you have any independent recollection

1 of what he specifically said?

2 A. No.

3 Q. Do you have any independent recollection of  
4 what you asked him?

5 A. No.

6 MR. STARR: Okay. I'm going to show you  
7 another document. This is Exhibit 16. I'm going to  
8 mark it as Exhibit 16. And this is CITY-JF-4544.  
9 Do you see this document on your screen, sir?

10 (EXHIBIT 16 MARKED FOR IDENTIFICATION)

11 A. Yes.

12 BY MR. STARR:

13 Q. And this is a -- an IR history or name check  
14 for James Fletcher, correct?

15 A. I -- that's what it looks like. Yes.

16 Q. All right. And do you see the time in which  
17 this was pulled according to this timestamp here?

18 A. I -- it gives a date, not the time.

19 Q. Yeah, you're correct. I apologize.  
20 Do you see the date?

21 A. February 12th of 2002 --

22 Q. Okay.

23 A. -- on the timestamp.

24 Q. And then if you look at the bottom -- I don't  
25 know if you can see this upside down, but it appears to

1 indicate February 12th, 2002 at 20:48. Do you see that?

2 A. I do.

3 Q. Okay. So that's when this document would have  
4 been generated, correct?

5 A. Apparently.

6 Q. Okay. Do you have -- did you pull this IR  
7 history for James Fletcher?

8 A. Well, probably either myself or my partner.

9 Q. And you would have pulled this after  
10 Mr. Rogers had told you that James Fletcher was one of  
11 the suspects, correct?

12 A. Yeah. I -- I don't have independent  
13 recollection of the timing on this, but I would assume  
14 so, yes.

15 Q. Do you recall whether or not there were any  
16 other James Fletchers that were in the Chicago Police  
17 Department system when you searched James Fletcher's  
18 name?

19 A. I don't recall.

20 Q. Do you recall whether or not -- strike that.  
21 Did Mr. Rogers give you any other identifying  
22 information about James Fletcher that allowed you to  
23 narrow down to this particular James Fletcher?

24 MR. STEFANICH: Objection. Form. You can  
25 answer.

THE WITNESS: The -- it was -- it's a pretty simple -- simple way to do it. We would get -- we got James Fletcher's photo, and we pretty much -- we put in the photo group and say, "Do you see the James Fletcher we're talking about?" And he picked it out. And --

BY MR. STARR:

Q. Right. But -- go ahead.

A. I mean, there -- so there was -- there was -- there was no reason to go anywhere else with it.

Q. Well, my question is: Do you know whether or not there were more than one James Fletcher that had an IR history of the Chicago Police Department when you pulled this particular James Fletcher's IR history?

A. I --

MR. STEFANICH: Objection. Form. You can answer.

THE WITNESS: I -- I don't know.

BY MR. STARR:

Q. Do you -- did Mr. Rogers give you any additional information other than the name James Fletcher or Jimmy Fletcher that allowed you to narrow down to this particular James Fletcher at that particular time?

MR. STEFANICH: Objection. Form. You can

1 answer.

2 THE WITNESS: I don't know exactly how he  
3 narrowed it down, but it was from computer searches.  
4 I'm sure.

5 BY MR. STARR:

6 Q. If you had pulled the IR history of any other  
7 James Fletchers that are not the James Fletcher that are  
8 the plaintiff in this case, but just another person with  
9 the name James Fletcher, would you have necessarily  
10 included those IR histories or those name checks in the  
11 investigative file?

12 A. It's possible.

13 Q. Is it possible that you pulled other James  
14 Fletchers' names and just destroyed the document?

15 A. Not that I know of.

16 Q. So as a general matter of practice, if you  
17 pulled a number of different name checks for a name  
18 that's a common name like James Fletcher, you would have  
19 included all those IR histories in the investigative  
20 file, correct?

21 MR. STEFANICH: Objection. Form. Misstate --

22 THE WITNESS: I don't know what --

23 MR. STEFANICH: -- misstates his prior  
24 testimony. You can answer.

25 THE WITNESS: I don't know exactly what I did



at that time.

BY MR. STARR:

Q. Well, would it have been a good practice to include all documents that you pulled in in an investigation in the investigative file?

A. If -- if they were of use.

Q. So if you pulled other investigative -- strike that. If you pulled other IR histories for other people, and they -- you later deemed them be not of use, you may have not included them in investigative file; is that correct?

A. I can't tell you unless -- I can't -- I -- I don't have any recollection.

Q. Well, is it possible that you printed other IR histories for other individuals during the Sorrell investigation and did not include those IR histories in your investigative file?

A. I don't -- I don't know. I don't -- I -- I don't -- you -- you -- you're asking a couple different questions there at once. I -- which -- which part of it --

Q. I'm asking you one question.

A. -- do you want answered?

Q. Is it possible that you printed additional IR histories for additional individuals that you later

1 deemed to be not significant, and you did not include  
2 those documents in the investigative file?

3 MR. STEFANICH: Objection. Form. You can  
4 answer.

5 THE WITNESS: I guess it's possible. Sure.  
6 BY MR. STARR:

7 Q. And those could have been other James  
8 Fletchers as well, correct?

9 A. I don't know if there is or was.

10 Q. I'm going to show you what I'm going to  
11 mark as Exhibit number 16, I believe --

12 THE REPORTER: 17.

13 MR. STARR: And -- 17, thank you.

14 BY MR. STARR:

15 Q. And this is three pages. So the Bates stamp  
16 is CITY-JF-179 through 181. Do you see these on your  
17 screen, sir? I'm just going to scroll through them and  
18 look -- we'll look at in more detail, but do you just  
19 see there's three pages and that it's 179, 180 and 181?

20 (EXHIBIT 17 MARKED FOR IDENTIFICATION)

21 A. Yes.

22 BY MR. STARR:

23 Q. And do you recognize what these documents are  
24 offhand?

25 A. Those are notes written on a -- what we call a

1 GPR.

2 Q. All right. So the first one, which is Bates  
3 179, do you see the reporting officer's signature?

4 A. Yes.

5 Q. And is that -- from your recollection,  
6 is that Detective Schalk's signature?

7 A. It is.

8 Q. And the second one, the reporting officer's  
9 signature appears also to be Detective Schalk; is that  
10 correct?

11 A. Yes.

12 Q. And then the last one appears to be Detective  
13 Schalk, as well. Do you see that?

14 A. Yes.

15 Q. Okay. I'm going to ask you some questions  
16 about this first one. This is 179. Do you see that  
17 there's the name Emmett Wade up there and a phone number  
18 next to his name?

19 A. I see that. Yes.

20 Q. And then the date of this report is -- can you  
21 read me the date into the record?

22 A. Looks like 12 March '02.

23 Q. Okay. Did you review this document in  
24 preparation for today's deposition?

25 A. I probably saw it, yes.

1 Q. All right. And the -- it's third watch.  
2 Do you see that?

3 A. Yes.

4 Q. All right. And that's the watch you were  
5 working in March of 2002?

6 A. Yeah, it was my normal watch. Yes.

7 Q. Okay. And this is a GPR that at least has  
8 some information about Mr. Wade on it, correct?

9 A. It's got a phone number.

10 Q. Okay. Can you read the rest of this?  
11 Can you read what it says here, sir -- where did I  
12 highlight it on the left-hand side?

13 A. Well, I can't read -- which -- which line are  
14 we talking about?

15 Q. There's three entries here on the left-hand  
16 side of, you know, a third --

17 A. Okay.

18 Q. -- part of the way down. Do you see that?

19 A. Yeah. The first line I cannot read. The  
20 second line I can't read.

21 Q. Okay.

22 A. Third line I could read, "taken."

23 Q. What about the line -- two lines below that?

24 A. Where it says -- I -- I can make out a word  
25 "driver."

1 Q. I'm talking about right here on the left-hand  
2 column. It -- I read it as, "Saw O-F-F period running  
3 towards him three?" Do you see that?

4 A. Yes.

5 Q. Okay. And do you recognize that writing as  
6 being Detective Schalk's writing?

7 A. I do.

8 Q. Okay. Can you read anything else that's in  
9 this little paragraph here?

10 A. Oh, it was always hard to read his writing.  
11 You know what? Not without misdirection,  
12 I couldn't -- I don't think I can read most of it.

13 Q. Do you see on the right-hand column -- there's  
14 some additional information? There's a phone number and  
15 a date and maybe a Social Security number. And it says,  
16 "Sister Leticia" or something Wade.

17 Do you see that?

18 A. I see -- yes, something Wade there --

19 Q. Okay.

20 A. Yeah.

21 Q. Do you believe that this is a GPR that was  
22 created during an interview that you and Detective  
23 Schalk conducted with Emmett Wade?

24 A. It could be. I'm not sure.

25 Q. What do you recall about your interview with

1 Detective -- with -- strike that. What do you recall  
2 about your interview with Emmett Wade in 2002?

3 A. I have no recollection.

4 Q. Did you show Emmett Wade any photographs  
5 during your interview with him in 2002?

6 A. Not that I recall.

7 Q. Do you recall going to Emmett Wade's home at  
8 all?

9 A. I don't recall.

10 Q. Do you recall whether or not you interviewed  
11 Emmett Wade with assistant state attorney, Jennifer  
12 Walker?

13 A. That's in reports. I don't have independent  
14 recollection, but it is in the -- in the reports.

15 Q. Okay. During your interview of Emmett Wade,  
16 did you show him a single photograph of James Fletcher?

17 A. Absolutely not.

18 Q. During your interview of Emmett Wade, did you  
19 indicate to Mr. Wade that James Fletcher was the  
20 suspect?

21 A. No.

22 Q. During your interview of Mr. Wade, did you  
23 tell him that James Fletcher was a bad guy that you  
24 needed to get off the street?

25 A. No.

1 Q. During your interview with Mr. Wade, did you  
2 pressure him to identify a photograph of James Fletcher?

3 A. No.

4 Q. During your interview of Emmett Wade, did you  
5 pressure him to identify James Fletcher as one of the  
6 offenders that he saw during the shooting of Willie  
7 Sorrell in 1990?

8 A. No.

9 Q. Would he -- would it have been your normal  
10 practice to show Mr. Wade a photo array?

11 A. Depending on the situation.

12 Q. Under what circumstances would you refrain  
13 from showing Mr. Wade a photo array?

14 A. If he says he could not identify anyone.

15 Q. If Mr. Wade says he could not identify anyone,  
16 you'd show him a photo array?

17 A. I would not show him a photo array.

18 Q. But Mr. Wade had previously told the police  
19 that he potentially could identify the offenders,  
20 correct? It's in a police report we looked at already,  
21 right?

22 A. Well, he told us he do -- he couldn't, so what  
23 he said before didn't apply to the present.

24 Q. If Mr. Wade says that you showed him a single  
25 photograph and pressured him to identify that photograph

1 as one of the suspects, is he lying?

2 A. Yes.

3 Q. If Mr. Wade says that you told him that James  
4 Walker or Jimmy Walk -- strike that. If Emmett Wade  
5 says that you and Detectives Schalk told him that James  
6 Fletcher or Jimmy Fletcher was a bad guy and that you  
7 needed to get him off the streets, is he lying?

8 A. Yes.

9 Q. If Emmett Wade says that you and Detective  
10 Schalk pressured him to identify Mr. Fletcher as the  
11 suspect that he saw in the 1990 shooting, is he lying?

12 A. He certainly is.

13 Q. Is there anything that you can recall about  
14 your interview with Emmett Wade in 2002?

15 MR. STEFANICH: Objection. Form. You can  
16 answer.

17 THE WITNESS: Specifically, no.

18 BY MR. STARR:

19 Q. Since you have no independent recollection,  
20 is it possible that you showed Mr. Wade a photo array in  
21 March of 2002?

22 A. According to reports, no.

23 Q. Since you have no independent recollection, is  
24 it possible that you showed Mr. Wade a single photograph  
25 of Mr. Fletcher in 2002?



1 A. No, that is not possible.

2 Q. Have you ever shown any witness a single  
3 photograph of someone you thought was a suspect in any  
4 case you worked on?

5 A. In only -- only if the case -- they knew the  
6 person personally. In other words -- in other words,  
7 if they said, "Well, it was" -- "it was my neighbor,  
8 Tom Jones." I would show them a picture. "Is this the  
9 Tom Jones you're talking about?" That was the  
10 only -- absolutely only time in my entire career that  
11 something like that would happen.

12 Q. So when Terry Rogers told you that he knew  
13 James Fletcher and he knew that James Fletcher was one  
14 of the shooters or one of the suspects in the Willie  
15 Sorrell shooting, did you show Mr. Rogers a single  
16 photograph?

17 A. No, I did not.

18 Q. Why not?

19 MR. STEFANICH: Objection. This is asked and  
20 answered at the last step, too. You can answer  
21 again.

22 THE WITNESS: We wanted to make sure of his  
23 information.

24 BY MR. STARR:

25 Q. You wanted to make sure of his information.

1 What do you mean by that, sir?

2 MR. STEFANICH: Objection. Asked and answered.  
3 You can answer again.

4 THE WITNESS: I want to make sure that he  
5 wasn't -- he was telling the truth.

6 BY MR. STARR:

7 Q. And so you showed him a photo array of the  
8 IDOC photos; is that correct?

9 A. Yes.

10 Q. And those photos included a photograph of  
11 someone by the name of Arnold Dixon, who we know is also  
12 James Fletcher, correct?

13 A. Yes.

14 Q. And did you go and -- after you met with  
15 Emmett Wade in 2002, did you go interview Mr. Cooper  
16 again at his home?

17 A. I don't recall the timing on that.

18 Q. Did you interview Mr. Cooper at his home in  
19 2002 at any point in time?

20 A. Yes.

21 Q. And did you show Mr. Cooper a photo array  
22 during that interview at his home?

23 A. Yes.

24 Q. And did you point out James Fletcher as a  
25 suspect during that photo array after Mr. Cooper

1 indicated he could not identify anyone?

2 A. No.

3 Q. So if Mr. Cooper says that, is he lying --

4 A. First -- first -- first of all, you misspoke  
5 there. He did -- he did point out the picture of James  
6 Fletcher as looking like one of the -- one of the  
7 offenders. He could not be sure.

8 Q. Could I have the question read back into the  
9 record? My last question?

10 THE REPORTER: Yes. Give me just one moment.  
11 Well, it'd help if my sound was on. I need to start  
12 that for you. Can you-all hear anything?

13 MR. STARR: No. But maybe we'll just move on  
14 because we're wasting time.

15 BY MR. STARR:

16 Q. Let me ask you again, sir. When you showed  
17 Mr. Cooper a photo array, did you -- strike that.  
18 I already asked that. When you showed Mr. Cooper a  
19 photo array and he was unable to identify anyone, did  
20 you point to a photograph of James Fletcher and tell him  
21 that he was the suspect?

22 MR. STEFANICH: Objection. Form. You can  
23 answer.

24 THE WITNESS: Okay. Again, I'm going  
25 to -- I'm going to say you misspoke again.

1 He did --

2 BY MR. STARR:

3 Q. And that -- no --

4 A. He did -- he did --

5 Q. Because not -- I'm not being deposed.

6 I'm asking you -- it's a yes or no question.

7 Did --

8 A. I can't answer the question because  
9 you -- you were -- you misspoke --

10 Q. Let me ask it again. If Mr. Cooper has  
11 testified that you pointed out James Fletcher, when he  
12 told you that he could not identify anyone in the photo  
13 array, if he has testified to that, is he lying?

14 A. He tentatively picked a photo of James  
15 Fletcher.

16 Q. If Mr. Cooper has testified that he was unable  
17 to identify anyone in the photo array, and he told you  
18 and Detective Schalk that, and you pointed out the  
19 photograph of James Fletcher, is he lying?

20 A. Yes, he is lying.

21 MR. STARR: Okay. Let's take a five-minute  
22 break.

23 THE REPORTER: All right. We are going off the  
24 record at 12:40 p.m. Central.

25 (OFF THE RECORD)

THE REPORTER: All right. We are back on the record for the deposition of Jerome Bogucki on October 12th, 2023. The current time is 12:57 p.m. Central. You may continue.

BY MR. STARR:

Q. Mr. Bogucki, during the first deposition, you testified that yourself and Detective Schalk would regularly take notes during investigations that you worked on, correct?

A. We -- we took notes when we needed to or wanted to.

Q. Did you take any additional notes other than what's found in the investigative file in this case regarding this oral investigation?

A. If we did, it would be in the file.

Q. Okay. So any notes you took would be included in the investigative file, correct?

A. Yes.

Q. And that includes -- there -- you know there was handwritten statements from some of the witnesses in this case, correct?

A. Yes.

Q. If you participated or sat in during one of the handwritten statements of a witness in this case, would you have taken separate notes during that

1 interview?

2 A. No.

3 Q. Okay. So any notes you took would be  
4 necessarily included in investigative file, correct?

5 A. Correct.

6 MR. STARR: All right. I'm going to show  
7 you what I'm going to mark as Exhibit number 18.  
8 That's correct, right?

9 (EXHIBIT 18 MARKED FOR IDENTIFICATION)

10 BY MR. STARR:

11 Q. And this, for the record, is CCSAO Conflicts,  
12 Fletcher, Dixon, Bogucki, 2047681761 through 1767, which  
13 last time I don't believe you looked at. Sir, do  
14 you see the document on your screen?

15 A. Yes.

16 Q. Okay. I'm going to scroll down just to show  
17 you that this is a series of IDOC photographs, correct?

18 A. Yes.

19 Q. Do you recall -- strike that. Is this the  
20 photo array that you put together that you showed Edward  
21 Cooper in 2002?

22 A. It appears to be, but to be sure, I would have  
23 to see the inventory.

24 Q. Well, I represent to you the inventory just  
25 says seven IDOC photographs. I -- I'm not sure how that

1 would necessarily illuminate that more for you.

2 Do you -- can you tell me why that would help you  
3 understand whether or not this is it?

4 A. Well, the actual photo should be in the  
5 inventory itself.

6 Q. So the inventory report, which  
7 I didn't -- have not shown you, does indicate that seven  
8 IDOC photos were pulled, and then these are seven IDOC  
9 photos. So you can't say one way or the other if this  
10 is the photo array that you showed Mr. Cooper, correct?

11 A. I -- it -- it appears to be, but I can't say  
12 for sure unless the actual inventory came forward.

13 Q. Right. And do you have any independent  
14 recollection of actually pulling these photos and  
15 showing them to Mr. Cooper?

16 A. I don't know who exactly pulled the photos.  
17 And --

18 Q. Did you ever -- go ahead --

19 A. Go ahead.

20 Q. Did you ever show this photo array to  
21 Emmett Wade?

22 A. The photo array that is inventoried was the  
23 one that was shown to Edward Cooper.

24 Q. Did you ever show this photo array to  
25 Emmett Wade, is my question?

1 A. I believe, no.

2 Q. Did you ever show this --

3 A. According -- according to reports, no.

4 Q. Did you show this individual photo of  
5 Mr. -- listed as Arnold Dixon, which we know is James  
6 Fletcher, do you show this individual photo to  
7 Emmett Wade?

8 A. Absolutely not.

9 Q. Okay. Did you show this photo right to Sheene  
10 Friend?

11 A. I believe so, according to reports.

12 Q. Do these individuals to you look like a fair  
13 photo array?

14 A. Yes.

15 Q. Okay. Is there anything about the photo of  
16 Mr. Fletcher that is different, in your opinion, than  
17 the photos of these other individuals?

18 MR. STEFANICH: Objection. Form. You can  
19 answer.

20 THE WITNESS: I -- I really -- I have no idea.  
21 They're -- I have no idea.

22 BY MR. STARR:

23 Q. Did you ever tell anyone that Mr. Fletcher had  
24 big lips?

25 A. Did I ever tell anyone? No.



1 Q. Did you ever instruct any of the witnesses to  
2 remember the fact that Mr. Fletcher had big lips?

3 A. Absolutely not.

4 Q. Looking at this photograph, do you think that  
5 Mr. Fletcher's lips are big?

6 A. I -- I -- I would --

7 MR. STEFANICH: Objection. Form. You can  
8 answer.

9 THE WITNESS: I would -- I would guess you  
10 could say that, yes.

11 BY MR. STARR:

12 Q. Do they appear to be bigger than any of the  
13 other people in the photo array?

14 A. That's -- it could be. They might be.  
15 I don't know.

16 Q. Did you ever hear Detective Schalk or any  
17 other police personnel indicating to a witness that they  
18 need to remember the fact that Mr. Fletcher or  
19 Mr. Dixon has big lips?

20 A. No.

21 Q. I'm going to show you what I'm going to mark  
22 as Exhibit number 19. And for the record, this is CITY-  
23 JF-15245 through 15252. Sir, this is a Chicago Police  
24 case supplementary report. Do you see this?

25 (EXHIBIT 19 MARKED FOR IDENTIFICATION)

1 A. Yes.

2 BY MR. STARR:

3 Q. And it's -- at the top left-hand side,  
4 it says it's a cleared open arrest and prosecution  
5 report. Do you see that?

6 A. Yes.

7 Q. All right. Do -- did you review this document  
8 in preparation for today's deposition?

9 A. I have seen it, yes.

10 Q. What is a cleared open report, sir?

11 A. The case is cleared, so in other words,  
12 it's solved, I guess you could say. And the reason  
13 being open is that there's a -- another offender that  
14 can be sought.

15 Q. And when you reviewed this document in  
16 preparation today -- for today, did you see anything in  
17 this document that you thought to be incorrect?

18 A. Yeah, not that I know of.

19 Q. And do you see on this final page here,  
20 CITY-JF-15252, it says it's a report of Detective  
21 Schalk, Bogucki and Noradin. Do you see that?

22 A. Yes.

23 Q. And did you review this document before it was  
24 submitted back in 2002?

25 A. I believe so.

1 Q. And if you had seen anything in this document  
2 in 2002 that you thought was incorrect, what would you  
3 have done?

4 A. Corrected it.

5 Q. So the fact that this document was submitted,  
6 and it says it was a report of you and Detective Schalk  
7 and Detective Noradin, does that tell you that you  
8 approved this document before it was submitted?

9 A. Yes.

10 Q. And you reviewed it today, and there's nothing  
11 about it that you would change today, correct?

12 A. I did not review it today.

13 MR. STEFANISH: Objection --

14 BY MR. STARR:

15 Q. I'm sorry. But you reviewed it for -- in  
16 preparation for the deposition, correct?

17 MR. STEFANICH: Sean, let me get my objection  
18 in. Objection. Mischaracterizes his testimony.  
19 You can -- he probably needs you to ask the question  
20 again.

21 BY MR. STARR:

22 Q. You reviewed this document in preparation for  
23 the deposition, correct, sir?

24 A. I looked at it, yes.

25 Q. Is there anything in the document that -- in

1 Exhibit 19 that you would change today that you think is  
2 wrong?

3 A. Not that I know of.

4 Q. All right, sir. Do you have any independent  
5 recollection of participating in any of the handwritten  
6 statements in this case?

7 A. Independent, no.

8 Q. Did you participate in any of the handwritten  
9 statements in this case?

10 A. According to the file, yes.

11 Q. And you have no recollection of that  
12 participation at all, correct?

13 A. I didn't get that question --

14 Q. You have no recollection of any participation  
15 in those handwritten statements, correct?

16 A. Not independent, no.

17 Q. Did you review those handwritten statements in  
18 preparation for today's deposition?

19 A. I looked at them.

20 Q. Did you see anything in those handwritten  
21 statements that you thought was incorrect?

22 A. I did not.

23 Q. Did you see your hand -- your signature on  
24 some of those handwritten statements?

25 A. I don't know if it's one or two or -- I'm not

1 sure how many there are I might have set in on.

2 Q. If you signed that document back in 2002 -- if  
3 you -- strike that. I'm going to ask you, are you aware  
4 that there's a man by the name of Frankie Benitez who  
5 was recently exonerated in a case in which you were the  
6 lead detective?

7 MR. STEFANICH: Objection. Relevance.

8 You can answer. And form. You can answer.

9 THE WITNESS: I have come to realize that, yes.

10 BY MR. STARR:

11 Q. Is that name, Frankie Benitez or Francisco  
12 Benitez -- is that name a familiar name to you?

13 MR. STEFANICH: Objection. Relevance.

14 You can answer.

15 THE WITNESS: Not really, no.

16 BY MR. STARR:

17 Q. What do you recall about that case?

18 MR. STEFANICH: Objection. Relevance.

19 You can answer.

20 THE WITNESS: I only recall doing the scene on  
21 that case at this point.

22 BY MR. STARR:

23 Q. It was a 1989 homicide investigation into the  
24 death of two young kids near the intersection of Potomac  
25 and Harding. Does that refresh your recollection at

1 all?

2 A. I remember that it -- I -- I -- I don't have  
3 any independent recollection of where it was or when it  
4 was. I remember that there was such an investigation.

5 Q. And the victims were named Prudencio Cruz and  
6 William Sanchez. Do either of those names refresh your  
7 recollection at all?

8 A. No.

9 Q. Have you reviewed any documents related to  
10 that investigation in preparation for the deposition?

11 A. What deposition?

12 Q. Today --

13 A. This one?

14 Q. Yeah.

15 A. No.

16 Q. Okay. I'm going to show you a document,  
17 which I'm going to mark as Exhibit number 20. And for  
18 the record, this is Fletcher 15897 through 15902.  
19 Do you see this supplemental report on your screen, sir?

20 (EXHIBIT 20 MARKED FOR IDENTIFICATION)

21 MR. STEFANICH: Hold on. Object to  
22 that -- like, a standing objection based on the fact  
23 that we don't have the whole file on this case,  
24 based on relevance that -- it wasn't these  
25 allegations, and the Cruz case aren't contained in

1 the complaint. And I think you're using this step  
2 for -- to get evidence in a potential -- another  
3 lawsuit. So those are my objections, like a  
4 standing objection for those reasons.

5 BY MR. STARR:

6 Q. Do you see those document, sir?

7 The supplemental report?

8 A. I see it. Yes.

9 Q. It's dated April 28th, 1989. Do you see that,  
10 sir?

11 A. I do see that.

12 Q. Okay. And at the bottom here, do you see that  
13 you and Detective Schalk are the detectives that signed  
14 off on this report?

15 A. I do see that.

16 Q. And this is a multiple page report. It says  
17 that the location of the incident was 1253 North  
18 Harding. Do you see that, sir?

19 A. I see it printed there, yes.

20 Q. Okay. And this is an initial report that you  
21 submitted on this case?

22 A. I don't know.

23 Q. Okay. Does any of the information that we  
24 looked at in this report, the address, the date,  
25 the name of the victims, the fact that you and Detective

1 Schalk are listed on the report -- does any of that  
2 refresh your recollection?

3 A. No, not at this time.

4 Q. Okay. I'm going to show you another report  
5 from this case, sir. I'm going to work this as Exhibit  
6 number 21. And for the record, this is going to be  
7 Fletcher 15905 through 15909. All right, sir. This is  
8 another supplemental report. Do you see that?

9 (EXHIBIT 21 MARKED FOR IDENTIFICATION)

10 A. I see that there is one, yes.

11 BY MR. STARR:

12 Q. Okay. And the date on this says April 28th of  
13 '88. Do you see that, sir?

14 A. I see that.

15 Q. And the address is the same as previous  
16 address of 1253 North Harding, right?

17 A. I do see that.

18 Q. And the bottom here, you see that it -- your  
19 name and Detective Schalk's name are both listed, and  
20 that's your signature, correct?

21 A. I see that.

22 Q. Okay. And you see that the arresting officers  
23 include Officer Sparks, Officer Galligan, Officer  
24 Vukonich, Officer Zacharias, and then you and Detective  
25 Schalk?



1 A. Yes.

2 Q. Okay. I'm going to direct your attention to a  
3 paragraph here on the third page, which the Bates is  
4 15907. This -- just read this. If you could read this  
5 first paragraph to yourself, and let me know when you're  
6 done?

7 A. Okay. A part of is blocked off by our  
8 pictures here.

9 Q. Okay. Well, let me know when you can see the  
10 whole thing.

11 A. All right. I'll let you know

12 THE REPORTER: If you look on there,  
13 there's -- above where your photos are on the video,  
14 there's four little icons. If you press the second  
15 one, it should shorten those icons for you.

16 BY MR. STARR:

17 Q. You know, I'll just read it to you, sir.  
18 "On April 29th, 1989, gang crimes north Officers Sparks,  
19 Galligan, Vukonich, and Zacharias were assigned to  
20 continue the investigation of the homicide occurring at  
21 1253 North Harding. At that time, those officers were  
22 aware of a subject who fit the description of the  
23 offender, and he was known to have frequent the area of  
24 division in Keeler. That was the area where witness  
25 Mildred Cotto had previously observed the offender. That

1 subject, Francisco Benitez, had previously been arrested  
2 by the gang crimes officers and had obtained a Polaroid  
3 photo of him. That photo, along with five other photos  
4 of male white Hispanics, were shown to Mildred Cotto and  
5 Hipolito Rosado. At the time, both witnesses identified  
6 the photo of Francisco Benitez as the person who they  
7 observed running from the scene at the time of the  
8 shooting. That photo array was subsequently inventory  
9 at Area Five. Francisco Benitez was located out in  
10 front of his residence at 447" -- "4447 West Iowa. He  
11 was placed under arrest and transported at Area Five."  
12 Did you hear that paragraph, sir?

13 A. I did hear you.

14 Q. Does that refresh your recollection at all of  
15 this case?

16 MR. STEFANICH: I'm going to object based on  
17 not giving him a chance to read the entirety of this  
18 report or the entirety of the other report. That  
19 objection. You can answer.

20 THE WITNESS: Well, it -- it -- it shows me  
21 what happened there.

22 BY MR. STARR:

23 Q. Okay. Does it refresh your recollection at  
24 all of this case is what my question was, sir?

25 A. Not really.

1 Q. All right. And according to this report,  
2 Mr. Benitez had been a suspect in a photo array,  
3 correct?

4 A. According to this report, yes.

5 Q. And that's what it says here in that -- this  
6 paragraph that I just read to you, correct?

7 A. Yes.

8 Q. And after reading this or hearing me read  
9 this, it appears this photo array was conducted by gang  
10 crimes officers, correct?

11 A. That's what it says. Yes.

12 Q. And this report seems to indicate that the  
13 photo array was -- the photos in the photo array were  
14 chosen by the gang crimes officers, correct?

15 A. Apparently.

16 Q. And sitting here today, do you know which gang  
17 crime officers chose the photos?

18 A. I have no idea.

19 Q. The part that I read to you does not indicate  
20 that, does it?

21 A. It does not indicate that, no.

22 Q. And if gang crimes Officer Joseph Sparks has  
23 previously testified about the photo array, do you have  
24 any reason to dispute that -- I'm sorry. If gang crimes  
25 Officer Joseph Sparks had previously testified that he

1 was the one who arranged the photo array, do you have  
2 any reason to dispute that he was the one who created  
3 and conducted the photo array?

4 MR. STEFANICH: Objection. Form. Foundation.  
5 You can answer.

6 THE WITNESS: I -- I have no reason because I  
7 don't know.

8 BY MR. STARR:

9 Q. And do you have any memory of any conversation  
10 that you had with gang crimes Officer Joe Sparks about  
11 this photo array?

12 A. No.

13 Q. If witnesses that viewed this photo array  
14 selected fillers, would you have documented that they  
15 had selected a filler?

16 MR. STEFANICH: Objection. Form. Foundation.  
17 Incomplete hypothetical. You can answer.

18 THE WITNESS: I don't know what you're asking  
19 here.

20 BY MR. STARR:

21 Q. So if any of the witnesses had reviewed  
22 or -- strike that. If any of the witnesses had viewed  
23 this photo array, and they had identified a filler in  
24 the photo array, would you identify in your report what  
25 filler that was?

MR. STEFANICH: Objection. Form. Foundation.  
Incomplete hypothetical. You can answer.

THE WITNESS: If that happened and we were told  
about it, it would be in there.

BY MR. STARR:

Q. Well, you would -- I think -- I thought your  
testimony earlier is that you wouldn't identify what  
filler was identified. Instead you would just -- you  
would write it up as a negative ID?

A. Well, the whole thing is, I don't know what  
type of photo array they showed -- they showed.  
If they -- if they had more than one person in mind in  
this photograph -- in this -- in these photos, it -- it  
might be relevant, but I don't know that.

Q. Okay. I'm going to show you one more document  
today, sir. And this is going to be Exhibit 22, and  
it's Fletcher 15923 through 15925. Let me pull it up  
here. All right, sir. Do you see this document on your  
screen?

(EXHIBIT 22 MARKED FOR IDENTIFICATION)

A. I see it.

BY MR. STARR:

Q. And you can -- so I'll show you. The Bates  
stamp is 15923 through 15925. Do you see that?

A. Yes.

1 Q. And I'll represent you this is an affidavit  
2 that was signed by Joseph Sparks. You see his signature  
3 right there?

4 A. I see it.

5 Q. And he signed it on 5-13-22. Do you see that,  
6 sir?

7 A. That's what I see.

8 Q. It's a very short affidavit. I'm going to ask  
9 that you read it to yourself and let me know when you're  
10 done. I'll scroll down. When you need me to scroll  
11 down, please let me know.

12 A. Okay. You can scroll down. You can scroll  
13 down some more. You can scroll down some more. Okay.  
14 Some more. You can scroll down some more. Okay.  
15 I got it.

16 Q. Were you able to read that document in full,  
17 sir?

18 A. I did.

19 Q. Okay. I previously asked you if you knew who  
20 gang crimes Officer Joseph Sparks was, and you testified  
21 you did, correct?

22 A. Yes.

23 Q. You testified you worked with Joseph Sparks in  
24 the past, correct?

25 A. Yes.

1 Q. And you testified that you thought Joseph  
2 Sparks was a good police officer, and you never found  
3 him to be untruthful, correct?

4 A. I don't know if I said that, but I --  
5 I -- I -- I would say that.

6 Q. Okay. And this is an affidavit of Joseph  
7 Sparks about the Benitez case, correct?

8 A. It's what it looks like --

9 Q. Do you dispute --

10 A. Something I've never seen before.

11 Q. Do you dispute any of the information stated  
12 by Joseph Sparks in this affidavit?

13 A. That he has an opinion that he doesn't think  
14 that Benitez is the offender? I --

15 Q. Do you dispute anything that's in the  
16 affidavit?

17 A. I don't -- I don't know what he is getting to  
18 on that.

19 A. Well, the affidavit states that Joe Sparks put  
20 Mr. Benitez into the photo array as a filler, correct?

21 A. That's what it says.

22 Q. And yet your report lists Mr. Benitez as being  
23 a suspect that was identified, correct?

24 A. Apparently.

25 Q. And earlier you testified that if you had a

1 filler who was identified by a witness, that would not  
2 make them a suspect, correct?

3 A. Not in my investigation, no.

4 Q. So why did Mr. Benitez become a suspect in  
5 this case?

6 A. I don't --

7 MR. STEFANICH: Objection. Form. Foundation.  
8 You can answer.

9 THE WITNESS: I have no clue at this point.  
10 BY MR. STARR:

11 Q. Okay. I just have a couple final questions to  
12 ask you here, sir. Did you conspire with any police  
13 officer in this case to deprive James Fletcher of his  
14 constitutional rights?

15 A. No.

16 Q. Did you withhold any exculpatory evidence from  
17 James Fletcher?

18 A. No.

19 Q. Did anyone present any exculpatory evidence to  
20 you, which you then withheld, during the course of the  
21 investigation?

22 A. No.

23 Q. Did you present any evidence to which -- did  
24 you present any evidence -- strike that.  
25 Did Mr. Fletcher present any evidence to you -- any



1 evidence to you that you then withheld?

2 A. No.

3 Q. Did any of the witnesses present any evidence  
4 to you which you then withheld?

5 A. No.

6 Q. Did you hear of anyone receiving evidence from  
7 Detective Schalk that was withheld?

8 A. No.

9 Q. Did you hear of any evidence of  
10 anyone -- strike that. Did you hear of anyone giving  
11 any evidence to Detective Noradin that was withheld?

12 A. No.

13 Q. Did you hear of anyone receiving any evidence  
14 from Tony Wojcik that was withheld?

15 A. No.

16 Q. Did you hear of any other police personnel  
17 withholding any evidence in the James Fletcher case?

18 A. No.

19 Q. Has any of our discussion today refreshed your  
20 recollection about the James Fletcher case any further  
21 than what you've testified to?

22 A. No.

23 Q. Can you think of any documents that I could  
24 show you that might refresh your recollection any  
25 further than what you've already testified to today?

1 A. Not that I can think of.

2 MR. STARR: Okay. Brian, I think I'm done.  
3 I just need five minutes to double check my notes,  
4 okay?

5 MR. STEFANICH: All right.

6 THE REPORTER: All right. Let me get us off  
7 the record really quick. The current time is  
8 1:12 p.m. Central. We are off the record.

9 (OFF THE RECORD)

10 THE REPORTER: All right. We are back on the  
11 record for the deposition of Jerome Bogucki on  
12 October 12th, 2023. The current time is 1:28 p.m.  
13 Central. You may continue.

14 MR. STARR: Okay. Mr. Bogucki, I think your  
15 Counsel just said we have eight minutes. I'll try  
16 to get done in less than eight minutes. I'm going  
17 to show you one more Exhibit today. It -- I'm going  
18 to mark it as, I believe, Exhibit number 23, and  
19 this is Bates individual Defendant's 1904 through  
20 1938. Can you bear with me? I will share my screen  
21 here. Okay. It's a document which is commonly  
22 referred to and was testified to in this case by the  
23 assistant state's attorney who prosecuted the case  
24 by the last name of O'Connor as a blueback. I don't  
25 want to spend any time looking at it because it's

1 state's attorney notes, other than we need to -- and  
2 I want direct your attention to what's marked as  
3 individual defendant 1910.

4 (EXHIBIT 23 MARKED FOR IDENTIFICATION)

5 BY MR. STARR:

6 Q. Do you see the Bates stamp at the bottom  
7 there, sir?

8 A. Yes.

9 Q. Okay. And then I'm just going to Zoom in here  
10 at the top. You see on the left-hand side there, it  
11 says, "Detective Schalk, Detective Bogucki, Detective  
12 Noradin"?

13 A. I do see that.

14 Q. And then below that, it says, "Received a  
15 letter on 9-16 from Jenner and Block re" -- I'm not sure  
16 what that is. But then the next entry says,  
17 "9-19" something. Maybe "S-W. Detective Bogucki,  
18 re 1995 photo array. He will check file." Do you see  
19 that?

20 A. I see it.

21 Q. Do you have any independent recollection of  
22 speaking with any of the state's attorneys who are  
23 prosecuting this case?

24 A. Did I speak to any of the state's attorneys  
25 prosecuting this case --

1 Q. No. Do you have any independent recollection  
2 of any conversation you had with any of the state's  
3 attorneys who were prosecuting James Fletcher?

4 A. I don't at this point, no --

5 Q. Okay. Does the name Aidan O'Connor refresh  
6 your recollection at all?

7 A. I don't know if it refreshes my recollection,  
8 but I do know who she is and that she did this case.

9 Q. Okay. Do you remember Aidan O'Connor or any  
10 of the other state's attorneys asking you about the 1995  
11 photo array?

12 A. I do not.

13 Q. Do you remember going back and checking your  
14 file to see if you could locate the 1995 photo array?

15 A. I do not.

16 Q. Do you know whether or not you were able to  
17 locate the 1995 photo array?

18 A. I have no idea.

19 Q. Okay. I showed you that Sparks affidavit,  
20 and you seemed a little surprised by that. Were you  
21 surprised by that affidavit, sir?

22 MR. STEFANICH: Objection. Form. Relevance.  
23 You can answer.

24 THE WITNESS: Yes, I didn't know anything about  
25 it.

1 BY MR. STARR:

2 Q. Why were you surprised?

3 MR. STEFANICH: Objection. He just said -- he  
4 just answered that question. You can answer  
5 again --

6 THE REPORTER: I'm sorry. We're missing that  
7 reason for objection there.

8 MR. STEFANICH: Sure. Objection. He just  
9 answered that question. You can answer again.

10 THE WITNESS: Why was I surprised?

11 BY MR. STARR:

12 Q. Yeah.

13 A. Because I had never seen it, and I didn't know  
14 it existed.

15 Q. Did you find any information in that affidavit  
16 to be incorrect?

17 A. I --

18 MR. STEFANICH: Objection. Form. Foundation.  
19 You can answer.

20 THE WITNESS: I have no idea at this point.

21 BY MR. STARR:

22 Q. Regarding the Fletcher case, have you ever  
23 considered that perhaps you and your colleagues,  
24 Detective Schalk, Detective Noradin, Sergeant Wojcik,  
25 got this case wrong and that someone other than James

1 **Fletcher committed the crime?**

2 MR. STEFANICH: Objection. Form. You can  
3 answer.

4 THE WITNESS: If I thought I got the case  
5 wrong, it wouldn't have been gone forward.

6 BY MR. STARR:

7 **Q. What do you --**

8 A. Right at this -- at this point in time,  
9 I can't give you many opinions on this case because I  
10 haven't seen the file, and I don't remember it.

11 **Q. Well, you know that Mr. Fletcher was**  
12 **exonerated, correct?**

13 MR. STEFANICH: Objection. Form. You can  
14 answer.

15 THE WITNESS: I saw that on the news.

16 BY MR. STARR:

17 **Q. And you know that Mr. Fletcher received a**  
18 **certificate of innocence?**

19 A. You told me that.

20 **Q. Yeah. And does -- did -- does -- do those two**  
21 **facts have any effect on your opinion of this case?**

22 MR. STEFANICH: Objection. Form. You can  
23 answer.

24 THE WITNESS: No.

25 BY MR. STARR:

1 Q. Is there anything that would change your  
2 opinion about whether or not James Fletcher is guilty of  
3 this crime?

4 A. Not that I -- not --

5 MR. STEFANICH: Objection. Objection. Form.  
6 You can answer.

7 THE WITNESS: Not that I'm aware of.  
8 BY MR. STARR:

9 Q. If Edward Cooper testified that he was not  
10 able to identify anyone in 2002 or anyone today, would  
11 that have any effect on whether or not you believe  
12 Mr. Fletcher is guilty?

13 MR. STEFANICH: Objection. Form. You can  
14 answer.

15 THE WITNESS: No.  
16 BY MR. STARR:

17 Q. If Emmett Wade testified that he was not able  
18 to identify anyone, would that have any effect on  
19 whether or not you believe Mr. Fletcher is guilty?

20 MR. STEFANICH: Objection. Form. Miss --  
21 objection. Form. You can answer.

22 THE WITNESS: We knew that Emmett Wade -- he  
23 said that he could not identify anyone. So that  
24 wouldn't change anything either.

25 BY MR. STARR:

1 Q. Well, in 1990, he said he could, correct?

2 A. Apparently. I wasn't there.

3 Q. If Ms. Friend testifies that she was never  
4 able to identify James Fletcher as the shooter, would  
5 that have any bearing on whether or not you believe he's  
6 guilty or not?

7 MR. STEFANICH: Objection. Form. Misstates  
8 the testimony. Incomplete hypothetical. You can  
9 answer.

10 THE WITNESS: No.

11 BY MR. STARR:

12 Q. Is there anything that you -- that could  
13 change your belief that Mr. Fletcher is guilty?

14 MR. STEFANICH: Objection. Asked and answered.

15 MR. STARR: Yeah. Strike that. I'll  
16 withdraw the question out. You're right.

17 I did ask that.

18 BY MR. STARR:

19 Q. Is there any evidence that you know of  
20 suggesting that James Fletcher is guilty of the Willie  
21 Sorrell shooting that we've not already discussed today?

22 A. No.

23 Q. Do you believe that James Fletcher is guilty  
24 of the Willie Sorrell shooting?

25 MR. STEFANICH: Objection. You asked that



1 first part of the dep. You can answer again.

2 THE WITNESS: I wasn't there. I can only go by  
3 what the witnesses told me.

4 BY MR. STARR:

5 Q. Okay. Is there anything you haven't told us  
6 today about your role in the investigation of the  
7 Willie Sorrell shooting?

8 MR. STEFANICH: Objection to the phrase today.  
9 Maybe you can rephrase it --

10 MR. STARR: Yeah. Yeah. Thank you, Brian.

11 BY MR. STARR:

12 Q. Is there anything else that you know about the  
13 role you played in the investigation of the shooting of  
14 Willie Sorrell that you haven't testified to at either  
15 of the two depositions?

16 A. No.

17 MR. STARR: Okay. I have no further questions.

18 MR. STEFANICH: I have no questions.

19 MR. BURNS: Neither do I.

20 THE REPORTER: All right. Perfect. While we  
21 are still on the record, I'm going to go ahead and  
22 get everybody's orders really quick. Mr. Starr,  
23 did you want a copy of this deposition?

24 MR. STARR: Yeah, I'll take a copy.

25 THE REPORTER: Okay. Electronic okay?

MR. STARR: Yeah, absolutely.

THE REPORTER: Okay, perfect. And Mr. -- well, not Mr. Stefanich. Mr. Burns, did you want a copy of the deposition?

MR. BURNS: No, I do not at this time.

THE REPORTER: Okay. And then I do have to ask Mr. Starr, did you want the video since we're recording it?

MR. STARR: I don't need the video right now.

THE REPORTER: Okay, perfect. Mr. Burns, did you need the video?

MR. BURNS: No, not at this time.

THE REPORTER: Okay. Perfect. And then Mr. Michalik, did you want the video?

MR. STEFANICH: He is not on anymore.

MR. BURNS: Alex is no longer there. Yeah --

THE REPORTER: Oh. All right. All righty. Oh, I put the wrong person. Mr. Stefanich, did you want a copy of the video?

MR. STEFANICH: I don't need the video. I'll take a copy of the transcript --

THE REPORTER: Transcript? Well --

MR. STEFANICH: We'll reserve signature.

THE REPORTER: Perfect. And are we sending that to you, or do you want us to send it directly

1 to Mr. Bogucki?

2 MR. STEFANICH: Send it to me.

3 THE REPORTER: Okay, perfect. Let me go ahead  
4 and get us off the record.

5 (DEPOSITION CONCLUDED AT 1:36 P.M. (CT))  
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## 1 CERTIFICATE OF DIGITAL REPORTER

## 2 STATE OF ILLINOIS

3  
4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Title page hereof, by me after  
7 first being duly sworn to testify the truth, the whole  
8 truth, and nothing but the truth; and that the said  
9 matter was recorded digitally by me and then reduced to  
10 typewritten form under my direction, and constitutes a  
11 true record of the transcript as taken, all to the best  
12 of my skill and ability. I certify that I am not a  
13 relative or employee of either counsel and that I am in  
14 no way interested financially, directly or indirectly,  
15 in this action.

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LINDSAY LARSON TODD  
Official Seal  
Notary Public - State of Illinois  
My Commission Expires Nov 1, 2023

Lindsay Larson-Todd

LINDSAY KATHRYN LOUISE LARSON-TODD,  
DIGITAL REPORTER/NOTARY  
MY COMMISSION EXPIRES ON: 11/01/2023  
SUBMITTED ON: 10/23/2023

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